

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Harris vs. D & D Gear Incorporated

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**

CASE NUMBER:
30-2021-01222330-CU-OE-CXC

I certify that I am not a party to this cause. I certify that that the following document(s), Judgment dated 04/25/25, was transmitted electronically by an Orange County Superior Court email server on April 25, 2025, at 3:35:22 PM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

PAYNE & FEARS LLP
ARP@PAYNEFEARS.COM

PAYNE & FEARS LLP
BAD@PAYNEFEARS.COM

WILSHIRE LAW FIRM
AFATTAHI@WILSHIRELAWFIRM.COM

WILSHIRE LAW FIRM
BENJAMIN@WILSHIRELAWFIRM.COM

WILSHIRE LAW FIRM
JUSTIN@WILSHIRELAWFIRM.COM

WILSHIRE LAW FIRM
LIT@WILSHIRELAWFIRM.COM

Clerk of the Court, by:  , Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

APR 25 2025

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Benjamin H. Haber (SBN 315664)
benjamin.haber@wilshirelawfirm.com
Arrash T. Fattahi (SBN 333676)
arrash.fattahi@wilshirelawfirm.com
Bradford Smith (SBN 345879)
bradford.smith@wilshirelawfirm.com
WILSHIRE LAW FIRM, PLC
3055 Wilshire Boulevard, 12th Floor
Los Angeles, California 90010
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

EILEEN HARRIS, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

D&D GEAR INCORPORATED DBA
ABSOLUTE TECHNOLOGIES, INC., a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 30-2021-01222330-CU-OE-CXC

CLASS & REPRESENTATIVE ACTION

[Assigned for all purposes to: Hon. William
Claster, Dept. CX-101]

**[PROPOSED] JUDGMENT AND ORDER
GRANTING PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: April 18, 2025
Time: 9:00 a.m.
Dept.: CX101

Complaint filed: September 20, 2021
FAC filed: June 24, 2024
Trial date: Not set

1 On or around November 22, 2024, this Court issued an Order Granting Plaintiff's Motion for
2 Preliminary Approval of Class Action Settlement. Plaintiff Eileen Harris ("Plaintiff") now seeks an
3 order granting final approval of the Class Action and PAGA Settlement Agreement and Class Notice
4 ("Settlement" or "Settlement Agreement"). The Settlement Agreement is attached to the Declaration
5 of Benjamin H. Haber in Support of Plaintiff's Motion for Final Approval of Class Action Settlement
6 as Exhibit 1. The Addendum to the Class Action and PAGA Settlement Agreement ("Addendum")
7 is attached as Exhibit 2.

8 Due and adequate notice having been given to the Class, and the Court having reviewed and
9 considered the Settlement, Plaintiff's Notice of Motion and Motion for Final Approval of Class
10 Action Settlement, the supporting declarations and exhibits thereto, all papers filed and proceedings
11 had herein, and the absence of any written objections received regarding the Settlement, and having
12 reviewed the record in this action, and good cause appearing therefor,

13 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

14 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
15 Settlement filed in this case.

16 2. The Court has jurisdiction over all claims asserted in the action, Plaintiff, the
17 Settlement Class Members, and Defendant D&D Gear Incorporated dba Absolute Technologies, Inc.
18 ("Absolute" or "Defendant," and together with Plaintiff, the "Parties").

19 3. The Court finds that the Settlement Agreement appears to be fair, adequate, and
20 reasonable and therefore meets the requirements for final approval. The Court grants final approval
21 of the Settlement and the Settlement Class based upon the terms set forth in the Settlement
22 Agreement and Addendum, attached to the Declaration of Benjamin H. Haber in Support of
23 Plaintiff's Motion for Final Approval of Class Action Settlement as Exhibit 1 and Exhibit 2.

24 4. The Court finds that the Settlement appears to have been made and entered into in
25 good faith and hereby approves the Settlement subject to the limitations on the requested fees and
26 enhancement as set forth below.

27 5. The Class Period is March 26, 2017 to August 25, 2024.

28 6. The PAGA Period is January 12, 2023 to August 25, 2024.

1 7. Plaintiff and all Eligible Class Members shall have, by operation of this Final Order
2 and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant from all
3 Released Claims as defined in the Settlement.

4 8. All Participating Class Members, on behalf of themselves and their respective
5 former and present representatives, agents, attorneys, heirs, administrators, successors, and
6 assigns, release Released Parties ~~from all claims that were alleged, or reasonably could have been~~
7 ~~alleged, based on the Class Period facts stated in the Operative Complaint and ascertained in the~~
8 ~~course of the Action including, e.g., any and all claims involving any alleged failure to (a) pay~~
9 ~~minimum and straight time wages; (b) pay overtime wages; (c) provide meal periods; (d) authorize~~
10 ~~and permit rest periods; (e) timely pay final wages at termination; (f) provide accurate itemized~~
11 ~~wage statements; and (g) indemnify employees for expenditures; and claims for unfair business~~
12 ~~practices arising out of the same. Except as set forth in Section 5.3 of this Agreement, Participating~~
13 ~~Class Members do not release any other claims, including claims for vested benefits, wrongful~~
14 ~~termination, violation of the Fair Employment and Housing Act, unemployment insurance,~~
15 ~~disability, social security, workers' compensation, or claims based on facts occurring outside the~~
16 ~~Class Period.~~

17 9. All Aggrieved Employees, including Non-Participating Class Members who are
18 Aggrieved Employees, are deemed to release, on behalf of themselves and their respective former
19 and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, the
20 Released Parties ~~from all claims for PAGA penalties that were alleged, or reasonably could have~~
21 ~~been alleged, based on the PAGA Period facts stated in the Operative Complaint, the PAGA Notice~~
22 ~~and ascertained in the course of the Action including, e.g., any and all claims involving any alleged~~
23 ~~failure to (a) pay minimum and straight time wages; (b) pay overtime wages; (c) provide meal~~
24 ~~periods; (d) authorize and permit rest periods; (e) timely pay final wages at termination; (f) provide~~
25 ~~accurate itemized wage statements; and (g) indemnify employees for expenditures.~~

26 10. Upon final approval of the Settlement by the Court and Defendant's funding of the
27 Gross Settlement Amount and employer payroll taxes, Eligible Class Members and all Aggrieved
28 Employees will release the aforementioned claims against all Released Parties.

1 11. The Parties shall bear their own respective attorneys' fees and costs, except as
2 otherwise provided for in the Settlement and approved by the Court.

3 12. Solely for purposes of effectuating the Settlement, the Court finally certified the
4 following Class – all persons who worked for Absolute as an hourly-paid or non-exempt
5 employee at any time during the Class Period.

6 13. No Class Member has objected to the terms of the Settlement.

7 14. No Class Member has requested exclusion from the Settlement.

8 15. The Notice provided to the Class conforms with the requirements of California Rules
9 of Court, Rules 3.766 and 3.769, and constitutes the best notice practicable under the circumstances,
10 by providing individual notice to all Class Members who could be identified through reasonable
11 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
12 therein to the Class Members. The Notice fully satisfies the requirements of due process.

13 16. The Court finds the Gross Settlement Amount, the Net Settlement Amount, and the
14 methodology used to calculate and pay each Eligible Class Members' Net Settlement Payment are
15 fair and reasonable and authorizes the Settlement Administrator to pay the Net Settlement Payments
16 to the Eligible Class Members in accordance with the terms of the Settlement.

17 17. Defendant shall pay a total of \$875,000.00 to resolve this litigation and to separately
18 pay any and all employer payroll taxes owed on the Wage Portions of the individual class payments.

19 18. From the Gross Settlement Amount, \$7,500.00 shall be paid to Plaintiff Eileen Harris,
20 for her services as a class representative and for her agreement to release claims.

21 19. From the Gross Settlement Amount, \$15,000.00 shall be paid to the Settlement
22 Administrator, CPT Group, Inc. ("CPT").

23 20. The Court hereby confirms Benjamin H. Haber and Arrash T. Fattahi of Wilshire Law
24 Firm, PLC as Class Counsel.

25 21. From the Gross Settlement Amount, Class Counsel is awarded \$262,500.00 for their
26 reasonable attorneys' fees and \$26,931.00 for their reasonable costs incurred in the action. The fees
27 and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that
28 the fees are reasonable in light of the benefit provided to the Class.

1 22. Without affecting the finality of this Order in any way, this Court retains continuing
2 jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect
3 to all Parties to this action, and their counsel of record.

4 23. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted
5 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

6 24. Pursuant to CCP § 384(b), Plaintiff shall submit to the Court a final report on or before
7 December 31, 2025 setting forth the actual amounts paid to class members and other amounts
8 disbursed pursuant to the settlement. Upon receiving the report, the Court will determine whether
9 further reports and/or a hearing will be necessary.

10 **IT IS SO ORDERED.**

11
12 DATE: 4-25-25



Hon. William Claster
Orange County Superior Court

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

On April 24, 2025, I served the foregoing [PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Attorneys for Defendant

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Rebecca Padilla
Type or Print Name

Recompra

Signature _____