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Clerk of the Superior Court
By T. Automation, Deputy Clerk

Attorneys for Plaintiffs Nick De Vera, Benito Bavarella, and Angel Ramirez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

NICK DE VERA, BENITO BAVARELLA, and
ANGEL RAMIREZ *et al.*

Plaintiffs,

vs.

LEICA BIOSYSTEMS IMAGING, INC. *et al.*

Defendants.

Case No. 37-2023-00035127-CU-OE-CTL

Hon. Gregory W. Pollack
Dept. 71

CLASS ACTION

**NOTICE OF ENTRY OF ORDER
GRANTING FINAL APPROVAL AND
ENTERING JUDGMENT**

Action Filed: August 15, 2023

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On September 12, 2025, at 9:30 a.m. in this Department, the Court entered the Order
4 and Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs and
5 Entering Judgment attached hereto as Exhibit 1.

6 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

7 3. A copy of this Notice has been submitted to the LWDA via its online electronic portal
8 in accordance with Labor Code § 2699(s)(3).

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.

10
11 Respectfully submitted,

12 Dated: September 15, 2025

Ferraro Vega Employment Lawyers, Inc.

14 

15 _____
16 Dorota A. James
17 Nicholas J. Ferraro
18 *Attorneys for Plaintiffs*

EXHIBIT 1

FILED
Clerk of the Superior Court

SEP 12 2025

By: V. Contreras, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

NICK DE VERA, BENITO BAVARELLA,
and ANGEL RAMIREZ, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

LEICA BIOSYSTEMS IMAGING, INC. and
DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2023-00035127-CU-OE-CTL

Hon. Gregory W. Pollack
Dept. 71

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS NICK DE VERA, BENITO
BAVARELLA, AND ANGEL RAMIREZ'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
ATTORNEYS' FEES AND COSTS AND
ENTERING JUDGMENT

Motion for Final Approval/Attorneys' Fees:

Date: September 12, 2025

Time: 9:30 a.m.

[Filed concurrently with Notice of Motion and
Motion for Final Approval of Class Action
Settlement, Memorandum of Points and
Authorities, Declaration of Nicholas J. Ferraro,
Declaration of Settlement Administrator, and
Declarations of Plaintiffs]

Action Filed: August 15, 2023

~~PROPOSED~~ ORDER GRANTING PLAINTIFFS' MOTION FINAL APPROVAL OF CLASS ACTION
SETTLEMENT
AND ATTORNEYS' FEES AND COSTS AND ENTERING JUDGMENT

1 This matter came on for hearing on September 12, 2025 at 9:30 a.m. in Department 71 of the
2 above-captioned Court, the Honorable Gregory W. Pollack presiding, on (1) Plaintiffs' Motion for
3 Final Approval of Class Action Settlement and (2) Plaintiffs' Motion for Attorneys' Fees and Costs.

4 Having received and considered the motions and supporting papers, including the Class Action
5 and PAGA Settlement Agreement ("Settlement"), the evidence and documents received by the Court
6 in connection with the Motions for Final Approval and Attorneys' Fees and Costs, and the previously
7 decided Motion for Preliminary Approval, the Court GRANTS FINAL APPROVAL of the Settlement
8 and ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

9 1. Pursuant to the terms of the Settlement and the Order Granting Preliminary Approval,
10 and the Settlement, a notice was sent to each class member by first-class U.S. mail. The notice
11 informed the class of the terms of the Settlement, their right to receive a settlement payment without
12 any required action, their right to comment upon or object to the Settlement, and their right to appear
13 in person or by counsel at the Final Approval Hearing and to be heard regarding approval of the
14 Settlement. Adequate periods of time were provided for each of these procedures.

15 2. No class member returned a written objection to the proposed Settlement as part of the
16 notice process or stated an intention to appear at the Final Approval Hearing and there were no dissenting
17 appearances from class members at the hearing. Two class members requested exclusion from the
18 Settlement: Employee ID numbers 295489 and 3574581. These "opt outs" are affirmatively excluded
19 from the class settlement.

20 3. The Court finds and determines the notice procedure afforded adequate protections to
21 the class and provides the basis for the Court's informed decision regarding approval of the Settlement
22 based on the response. The Court finds and determines the notice provided was the best notice
23 practicable, satisfying the requirements of law and due process.

24 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the
25 proposed class is ascertainable and so numerous that joinder of all members of the class is
26 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-
27 defined community of interest among members of the class with respect to the subject matter of the
28 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class

1 representative has and will fairly and adequately protect the interests of the class; (e) a class action is
2 superior to other available methods for an efficient adjudication of this controversy in the context of
3 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate
4 to serve as Class Counsel in this action.

5 5. The Court confirms certification, for settlement purposes only, of the class as defined in
6 the Settlement and approved at the preliminary approval stage.

7 6. The Court finds and determines the terms set forth in the Settlement are fair, reasonable,
8 and adequate and, having found the Settlement was reached as a result of informed and non-collusive
9 arms'-length negotiations facilitated by a neutral and experienced mediator, directs the Parties to
10 effectuate the Settlement according to its terms. The Court further finds the Parties conducted
11 extensive investigation, research, and informal discovery, and that their attorneys were able to
12 reasonably evaluate their respective positions. The Court also finds that Settlement will enable the
13 Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the
14 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery and
15 recognizes the significant value provided to the Class. Therefore, the Court approves the Settlement
16 and incorporates the terms of the Settlement in full into this Final Approval Order as though fully set
17 forth herein.

18 7. The Court finds and determines the fees and expenses in administering the Settlement
19 incurred by the Settlement Administrator of \$8,500 are fair and reasonable. The Court orders these
20 administration costs be paid in accordance with the terms of the Settlement.

21 8. The Court finds and determines the Service Award to Plaintiff De Vera in the amount
22 of \$10,000.00, and Service Awards of \$5,000.00, each, to Plaintiffs Bavarella and Ramirez as fair and
23 reasonable. The Court orders the service awards be paid in accordance with the terms of the
24 Settlement.

25 9. The Court finds and determines payment to the California Labor and Workforce
26 Development Agency of \$30,000.00, as its 75% share of the civil penalties under the Private Attorneys
27 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance
28

1 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys
2 General Act pursuant to Labor Code § 2699(s)(2).

3 10. Pursuant to the terms of the Settlement and the statutory provisions authorizing
4 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion
5 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$66,660.00 and litigation costs
6 of \$15,571.35. Class Counsel has sufficiently explained the basis for the fee award based on a
7 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the
8 Settlement Administrator to make these payments in accordance with the Settlement.

9 11. Without affecting the finality of this Order or the entry of judgment in any way, the
10 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,
11 and enforcement of this Order and the Settlement.

12 12. Nothing in this Order shall preclude any action to enforce the Parties' obligations under
13 the Settlement or under this Order, including the requirement that Defendant make payments to Class
14 Members in accordance with the Settlement.

15 13. The Court hereby ENTERS FINAL JUDGMENT in accordance with the terms of the
16 Settlement, in accordance with this Final Approval Order and Judgment.

17 14. The Parties shall comply with Cal. Rules of Court Rule 3.771(b), by filing a Notice of
18 Entry of Judgment with the Court.

19
20 **IT IS SO ORDERED.**

21
22 Date: _____

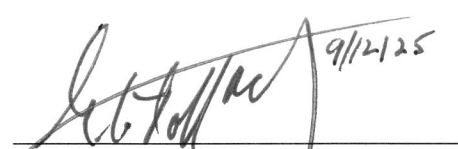
23 
24 The Honorable Gregory W. Pollack
25 Judge of the Superior Court
26
27
28

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE

TENTATIVE RULINGS - September 11, 2025

HEARING DATE: 09/12/25 HEARING TIME: 9:30AM DEPT.: C-71

JUDICIAL OFFICER: POLLACK, GREGORY W.

CASE NO.:37-2023-00035127-CU-OE-CTL

CASE TITLE: De Vera vs Leica Biosystems Imaging Inc [E-FILE]

CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

The Court rules on the motion for final approval of class action settlement as follows:

This unopposed motion is granted for the reasons stated below.

The terms of the settlement are as follows: Defendant Leica Biosystems Imaging, Inc. (Defendant) will pay a gross settlement of \$200,000.00 to the class, which includes attorneys' fees and costs, settlement administration costs, a representative enhancement and PAGA payments to the LWDA and the class. (O'Connor Dec, ¶14.) The estimated net settlement is \$49,268.65.

There have been no objections and 2 opt outs. (O'Connor Dec., ¶¶10-11.)

Legal Standard. When faced with a motion for final approval of a class action settlement, a court's inquiry is whether the settlement is "fair, adequate and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 fn. 7 (hereafter *Dunk*).) California strongly favors settlements. (*Western Steamship Lines, Inc. v. San Pedro Peninsula Hosp.* (1994) 8 Cal.4th 100, 110.)

The presumption of fairness exists where, as here "(1) the settlement is reached through arm's length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation, and (4) the percentage of objectors is small. (*Dunk, supra*, 48 Cal.App.4th at p. 1802.)

The factors that courts routinely consider in reviewing a proposed settlement are: (1) the strength of the plaintiffs' case, (2) the risk, complexity, length, and expense of continued litigation, (3) the risk of maintaining class action status through trial, (4) the amount offered in settlement, (5) the stage of the proceedings and the amount of discovery already undertaken at the time of the settlement, (6) the experience and views of counsel, and (7) the reaction of the class members to the proposed settlement. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1166-1167.)

Here, Plaintiffs Nick De Vera, Benito Bavarella, and Angel Ramirez (collectively Plaintiffs) presented evidence establishing that the settlement is fair and adequate. (Ferraro Dec., ¶19.) The parties engaged in arm's length negotiations and investigation. (Ferraro Preliminary Approval Dec., ¶¶5-12.) Finally, counsel for Plaintiff is experienced and skilled in class actions. (Ferraro Dec., ¶6.)

In addition, Defendant does not oppose the following proposed payments: (1) Class representative payments of \$10,000.00 to De Vera and \$5,000.00 each to Bavarella and Ramirez, (2) attorney fees and litigation costs of \$66,660.00 and \$15,571.35, respectively, (3) claims administration costs of \$8,500.00, and (4) LWDA penalties totaling \$40,000.00 (\$30,000.00 to LWDA, \$10,000.00 to Aggrieved Employees). (O'Connor Dec., ¶14.)

IT IS SO ORDERED.