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Superior Court of California
County of Santa Cruz
September 24, 2026
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

WILLIAM ROSE and BRENDAN FITZGERALD, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

SCARBOROUGH HOME CENTER; SCARBOROUGH TAHOE, INC.; SCARBOROUGH LUMBER AND BUILDING SUPPLY, INC., DBA ACE HARDWARE, a California corporation; and DOES 1 through 20, inclusive,

Defendants.

Case No. 24CV02298

[ ] ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS AND PAGA ACTION SETTLEMENT

Date: September 24, 2026
Time: 8:30 a.m.
Dept: 10

This matter came on for hearing on September 24, 2026, at 8:30 a.m., in Department 5 of the above-captioned Court on the Motion for Final Approval of Class Action Settlement pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval, and the Amended Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"), a copy of which was filed in conjunction with the Plaintiff's Motion for Final Approval of Class Action Settlement.

Having received and considered the Settlement Agreement, the supporting papers filed by the Parties, and the evidence and argument received by the Court in conjunction with the unopposed Motion for Preliminary Approval of Class Action Settlement and the instant Motion for Final Approval, the Court grants final approval of the Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to each Class Member by first-class mail. These papers informed the Class of the terms of the Settlement, their right to receive an Individual Settlement Payment, their right (a) to comment on or object to the Settlement, (b) to request exclusion from the Settlement and pursue their own remedies, and (c) of their right to appear in person or by counsel at the final approval hearing and to be heard regarding approval of the Settlement. Adequate periods of time were provided by each of these procedures.

2. No member of the Class filed written objection to the proposed Settlement as part of this notice process or stated an intention to appear at the final approval hearing.

3. One Class Member opted out of the Settlement.

4. The Court finds and determines that this notice procedure afforded adequate protections to Class Members and provides the basis for the Court to make an informed decision regarding approval of the Settlement based on the responses of the Class. The Court finds and determines that the notice provided in this case was the best notice practicable, which satisfied the requirements of law and due process.

5. With respect to the Class and for purposes of approving this Settlement only, this Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous

that joinder of all members is impracticable; (b) there are questions of law or fact common to the Class, and there is a well-defined community of interest among members of the Class with respect to the subject matter of the Action; (c) the claims of Class Representatives are typical of the claims of the members of the Class; (d) the Class Representatives have fairly and adequately protected the interests of the members of the Class; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) the counsel of record for the Class Representatives, i.e., Class Counsel, are qualified to serve as counsel for Plaintiffs in their individual and representative capacities for the Class.

6. The Court has certified a Class, as that term is defined in and by the terms of the Settlement Agreement as all current and former non-exempt employees employed by Defendants in California at any time during the Class Period of August 13, 2020 to September 2, 2025. The Court deems this definition sufficient for purposes of California Rule of Court 3.765(a).

7. The Court hereby confirms Aegis Law Firm, PC and Lipeles Law Group, APC as Class Counsel.

8. The Court hereby confirms Plaintiffs William Rose and Brendan Fitzgerald as the Class Representatives in this Action.

9. The Court finds and determines that the terms set forth in the Settlement Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement according to its terms, having found that the Settlement was reached as a result of informed and non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds that the Parties conducted extensive investigation and that their attorneys were able to reasonably evaluate their respective positions. The Court also finds that the Settlement will enable the Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to litigate the case. The Court has reviewed the monetary recovery provided as part of the Settlement and recognizes the significant value accorded to the Class.

10. The Court further finds and determines that the terms of the Settlement are fair, reasonable and adequate to the Class and to each Participating Class Member and that the

Settlement is ordered finally approved, and that all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

11. The Court hereby approves the Gross Settlement Amount of $495,000.00.

12. The Court finds and determines that the Individual Settlement Payments to be paid to Participating Class Members as provided for by the Settlement are fair and reasonable. The Court hereby gives final approval to and orders the payment of those amounts be made to the Participating Class Members in accordance with the Settlement Agreement.

13. The Court finds and determines that payment of $34,650.00 for PAGA Penalties in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders that the payment of that amount be paid in accordance with the Settlement Agreement.

14. The Court finds and determines that the fees and expenses in administrating the Settlement incurred by Phoenix Settlement Administrators in the amount of $10,000, are fair and reasonable. The Court hereby gives final approval to and orders that the payment of that amount in accordance with the Settlement.

15. The Court finds and determines the Class Representative Service Payments of $7,500.00 for Plaintiff William Rose and $7,500 for Plaintiff Brendan Fitzgerald are fair and reasonable. The Court hereby orders the Administrator to make these payments to the Plaintiffs/Class Representatives in accordance with the terms of the Settlement Agreement.

16. Pursuant to the terms of the Settlement, and the authorities, evidence and argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in the sum of $173,250.00 and litigation costs of $33,009.33. The Court finds such amounts to be fair and reasonable. The Court hereby orders the Settlement Administrator to make these payments in accordance with the terms of the Settlement Agreement.

17. Nothing in this order shall preclude any action to enforce the Parties' obligations under the Settlement or under this order, including the requirement that Defendants make payment to the Participating Class Members in accordance with the Settlement.

18. This Judgment is intended to be a final disposition in its entirety of the above captioned action. Without affecting the finality of this judgment in any way, the Court retains

jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation, and enforcement of the Settlement pursuant to C.C.P. § 664.6.

19. The Parties will bear their own costs and attorneys' fees except as otherwise provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation costs.

20. The Court sets a Hearing Re: Distribution of Settlement Funds for **August 24, 2027 at 8:30 a.m**. Class Counsel are ordered to file a Final Report Re: Distribution of the Settlement Funds by the Administrator five court days prior.

DATED: September 24, 2026

Syda K. Cogliati

JUDGE OF THE SUPERIOR COURT

Syda K. Cogliati