

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

11/04/2025

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

FIDEL GOMEZ, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiffs,

v.

KIRBY MANUFACTURING, INC., a
California corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. VCU308341

[PROPOSED] JUDGMENT

Date: October 13, 2025

Time: 8:30 a.m.

Judge: ~~Hon. Gary Johnson~~
Dept.: 7

Russell P Burke

1 Plaintiff's motion for an order finally approving the Stipulation of Settlement of Class and
2 PAGA Action Claims and Release of Claims ("Agreement") and Motion for Class Counsel Award
3 and Service Award duly came on for hearing on October 13, 2025, before the above-entitled Court.
4 The Parties having settled this action and the Court having entered an Order Granting Motion for
5 Final Approval of Class and PAGA Action Settlement and good cause appearing therefore,

6 **IT IS HEREBY ORDERED, ADJUDICATED and DECREED THAT:**

7 1. The certification of the Settlement Class is confirmed for the purposes of settlement.
8 The Class is defined as all current and former non-exempt employees who worked for Defendant
9 Kirby Manufacturing, Inc. in California during the period from April 25, 2020, to February 26, 2025
10 ("Class Period").

11 2. All persons who meet the foregoing definition are members of the Settlement Class,
12 except for those individuals who filed a valid request for exclusion ("opt out") from the Class.

13 3. Except as set forth in the Agreement, the Order Granting Motion for Final Approval
14 of Class and PAGA Action Settlement and this Final Judgment, Plaintiff, and all members of the
15 Settlement Class shall take nothing in the Action. Each Party shall bear its own attorneys' fees and
16 costs, except as otherwise provided in the Agreement, the Order Granting Motion for Final Approval
17 of Class and PAGA Action Settlement and in this Final Judgment.

18 4. The Court shall retain jurisdiction to construe, interpret, implement, and enforce the
19 Agreement, to hear and resolve any contested challenge to a claim for settlement benefits, and to
20 supervise and adjudicate any dispute arising from or in connection with the distribution of settlement
21 benefits.

22 5. As of the date the Defendant fully funds the Gross Settlement Amount, each Class
23 Member who has not validly opted out has released the "Released Class Claims" against the
24 Defendant and the Released Parties as set forth in the Agreement. The Released Class Claims are
25 defined as all class claims alleged or reasonably could have been alleged based on the facts alleged,
26 in the Operative Complaint in the Action, which occurred during the Class Period, and expressly
27 excluding all other, including claims for vested benefits, wrongful termination, unemployment
28

1 insurance, disability, social security, workers' compensation, and class claims outside of the Class
2 Period.

3 6. As of the date the Defendant fully funds the Gross Settlement Amount, the Plaintiff,
4 the Labor and Workforce Development Agency ("LWDA"), the State of California shall release the
5 Defendants from the "Released PAGA Claims" for the "PAGA Period" as set forth in the
6 Agreement.

7 7. As used in paragraph 6 above, the quoted terms have the meanings set forth below:
8 The Aggrieved Employees are defined as all current and former non-exempt employees who worked
9 for Defendant in California at any time during the period between April 25, 2023, to February 26,
10 2025 (the "PAGA Period"). The Released PAGA Claims are defined as all PAGA claims alleged in
11 the Operative Complaint in the Action and Plaintiff's PAGA Notice to the LWDA, which occurred
12 during the PAGA Period, and expressly excluding all other claims, including claims for vested
13 benefits, wrongful termination, unemployment insurance, disability, social security, workers'
14 compensation, and PAGA claims outside of the PAGA Period.

15 8. This Court hereby grants final approval and awards the following: (i) Ninety-Eight
16 Thousand, Two Hundred Eighty-Three Dollars and Sixty-Eight Cents (\$98,283.68) for the Class
17 Counsel Award comprised of one-third of the Gross Settlement Amount, or Seventy-Six Thousand,
18 Six Hundred Sixty-Six Dollars and Sixty-Six Cents (\$76,666.66) and actually incurred litigation
19 expenses in the amount of Twenty-One Thousand, Six Hundred Seventeen Dollars and Two Cents
20 (\$21,617.02); (ii) the Award to Class Representative Fidel Gomez in the amount of Five Thousand
21 Dollars and Zero Cents (\$5,000.00); (iii) Settlement Administration Costs of Four Thousand Nine
22 Hundred Fifty Dollars and Zero Cents (\$4,950.00) to APEX Class Action LLC; (iv) the LWDA
23 Payment of Seven Thousand Five Hundred Dollars and Zero Cents (\$7,500.00) (75% of the PAGA
24 Payment) to the Labor and Workforce Development Agency; and the Aggrieved Employee Payment
25 of Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00) (25% of the PAGA Payment)
26 to the Aggrieved Employees.

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1 9. Plaintiff shall give notice of this Judgment to the Labor and Workforce Development
2 Agency within ten (10) days after entry of the Judgment or order pursuant to California Labor Code
3 section 2699(s)(3).
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5 **LET JUDGMENT BE FORTHWITH ENTERED ACCORDINGLY. IT IS SO**
6 **ORDERED.**
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9 DATED: 11/04/2025, ~~2025~~

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11  Russell P Burke
12 Hon. ~~Gary Johnson~~
13 Judge, Superior Court for the State of California,
14 County of Tulare
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