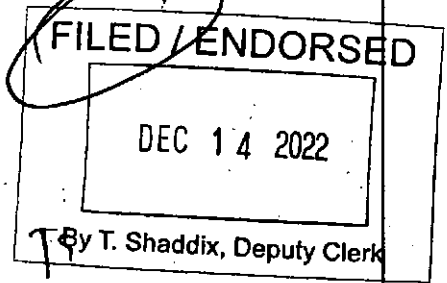


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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

MICHAEL MAGEE, individually, and on
behalf of all other similarly situated,

Plaintiff,

v.

ICONIX WATERWORKS (US) INC., a
corporation, GREG PUCCI, an individual,
and DOES 1-10, inclusive,

Defendants.

Case No. 34-2020-00276640

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES AND
COSTS, AND CLASS REPRESENTATIVE
ENHANCEMENT PAYMENT**

Date: November 18, 2022
Time: 9:00 a.m.
Dept.: 25

~~PROPOSED~~ JUDGMENT AND ORDER

The Motion of Plaintiff Michael Magee ("Plaintiff") for Final Approval of Class Action Settlement, Attorneys' Fees and Costs; and Class Representative Enhancement Payment ("Final Approval Motion") came on regularly for hearing before this Court on November 18, 2022 at 9:00 a.m. pursuant to Rule of Court 3.796 and the prior Order granting Preliminary Approval of Class Action and PAGA Settlement. Having considered the parties' Joint Stipulation of Class Action and PAGA Settlement ("Settlement") and all documents and evidence presented in support thereof, and recognizing the sharply disputed factual and legal issues involved in this case, the risks of further prosecution, and the substantial benefits to be received by the Settlement Class, as defined herein,

File by Fax



1 the Court hereby makes a final ruling that the proposed Settlement is fair, reasonable, adequate, and
2 is the produce of good faith, arm's length negotiations between the parties. Good cause appearing
3 therefor, the Court hereby GRANTS Plaintiff's Final Approval Motion and Hereby Orders the
4 Following:

5 1. Final judgment is hereby entered in conformity with the Settlement and this Final
6 Approval Order.

7 2. Class certification is hereby made final and the Court thus certifies, for purposes of
8 the Settlement, the following Settlement Class:

9 All persons who were employed by Defendants or the Released Parties in one of
10 Defendant Iconix Waterwork's non-exempt employment positions in the State of
11 California from March 3, 2016 for the purposes of wage and hour class claims and
12 March 3, 2019 for the purposes of PAGA claims through the date of the entry of
this Order.

13 3. As of the date that this Judgment becomes final, all 140 Settlement Class members,
14 none of whom timely opted-out from participation, by virtue of this Judgment, will fully release and
15 discharge Defendants Greg Pucci and Iconix Waterworks (US) Inc., its parents, subsidiaries,
16 affiliates, insurers, related entities and divisions and its and their respective predecessors, successors
17 and assigns and current and former agents, heirs, executors, administrators, principals, officers,
18 directors, shareholders, employees, founders, members, assigns, insurers and attorneys ("Released
19 Parties") from any claims, demands, liabilities, damages, attorneys' fees, costs, and penalties
20 relating to any and all facts and claims asserted in the Action or any other claims that could have
21 been asserted in the Action based on the facts alleged, including but not limited to claims arising
22 from alleged unpaid wages; meal and rest period violations; unpaid reimbursements and expenses;
23 untimely payment of wages; wage statement violations; separation pay violations during the Class
24 Periods.

25 4. Plaintiff Michael Magee is hereby confirmed as Class Representative. Erica L.
26 Rosasco and Michael G. Blankinship of McKague Rosasco, LLP are hereby confirmed as Class
27 Counsel.

28 5. Notice was mailed to the Settlement Class Members as approved by the Court on

1 August 1, 2022. The notice process has been completed in conformity with the Settlement and with
2 this Court's Order. The notice provided due and adequate notice of the proceedings and matters set
3 forth therein, informed Settlement Class members of their rights, and fully satisfied the requirements
4 of Rule of Court 3.769 and due process.

5 6. The Court finds that zero (0) members of the Settlement Class opted out of the
6 Settlement, and the 100% participation rate in the Settlement supports final approval.

7 7. The Court hereby approves the Settlement as set forth in the Settlement Agreement
8 as fair, reasonable and adequate and directs the parties to effectuate the Settlement Agreement
9 according to its terms.

10 8. The Court finds that given the absence of objections, and objections being a
11 prerequisite to appeal, this Order will be considered final as of the date it is signed by this Court.

12 9. The Court orders the Class Administrator to establish financial accounts necessary to
13 establish the Qualified Settlement Fund. Defendants' payment of the Settlement Payment Amount
14 in accordance with the terms of the Settlement, and to provide notice to the Parties of the
15 establishment of said accounts.

16 10. The Court orders Defendant, within 30 days of receipt of notice of Class
17 Administrator's establishment of the accounts, shall pay \$500,000 to the Qualified Settlement Fund.

18 11. The Court finds that the Eligible Class Member Shares, as defined and provided for
19 in the Settlement, are fair, reasonable and adequate and orders the Class Administrator to distribute
20 the individual payments in conformity with the terms of the Settlement.

21 12. The Court finds that the payment to the State of California Labor and Workforce
22 Development Agency ("LWDA") in the amount of \$75,000 for its 75% share of civil penalties under
23 the California Labor Code Private Attorneys' General Act ("PAGA") is fair, reasonable and
24 adequate, and orders the Class Administrator to distribute this payment to the LWDA in conformity
25 with the terms of the Settlement.

26 13. The Court finds that the Named Plaintiff Enhancement payment in the amount of
27 \$10,000 to Plaintiff is appropriate in recognition of the risks undertaken by Plaintiff and for
28 Plaintiff's service to the Settlement Class; for the time and effort spent by Plaintiff as the Class

1 Representative; for Plaintiff's general release of claims as provided with the Settlement; and for
2 serving the interests of the Class Members. The Court finds this amount is fair, reasonable, adequate
3 and orders that the Class Administrator make this payment in conformity with the terms of the
4 Settlement.

5 14. The Court finds that attorneys' fees in the amount of \$166,666.66, and actual
6 litigation costs of \$10,219.60, are fair, reasonable and adequate in light of the substantial benefit
7 provided to the Settlement Class and orders the Class Administrator make this payment in
8 conformity with the terms of the Settlement. The Court finds the time devoted to the matter was
9 reasonably necessary in the investigation and prosecution of this action and that the fees are
10 appropriately awarded in light of the benefit provided to the Settlement Class by Class Counsel's
11 efforts.

12 15. The Court orders that the Class Administrator shall be paid \$4,940 from the Qualified
13 Settlement Fund for its work done and to be done until the completion of this matter and finds that
14 sum fair and reasonable.

15 16. Any funds from uncashed checks distributed to Eligible Class Members after the 180-
16 day check-cashing deadline shall be transferred to the State of California's Unclaimed Wages Fund
17 in the name of the Eligible Class Member who did not cash his or her check.

18 17. Pursuant to California Rule of Civil Procedure 664.6 and Rule of Court 3.769(h), the
19 Court will retain jurisdiction over this action and the parties until final performance of the Settlement
20 Agreement.

21 18. This document will constitute a final judgment pursuant to Rule of Court 3.769(h),
22 which provides, "If the court approves the settlement agreement after the final approval hearing, the
23 court must make and enter judgment. The judgment must include a provision for the retention of the
24 court's jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an
25 order dismissing the action at the same time as, or after, entry of final judgment. The Court will
26 retain jurisdiction to enforce the Settlement and this Final Approval Order and Judgment.

27 19. The Class Administrator will make a final report of the Settlement disbursement and
28 Plaintiff will file the report by ~~July 30~~, 2023. The Court sets a final distribution hearing for

June 9,

4

6/23/23, at 4:00 a.m./p.m.

On July 29, 2022, the Court considered Plaintiff Michael Magee's Notice of Motion and Motion for Preliminary Approval of Class Action and PAGA Settlement ("Approval Motion"), Memorandum of Points and Authorities in Declarations of Michael Blankinship and Michael Magee, the Joint Stipulation of Class Action and PAGA Settlement ("Settlement Agreement") and the documents supported in support of the Approval Motion. Having considered the papers, and all supporting legal authorities and documents, the Court orders as follows:

IT IS SO ORDERED.

Dated: 12/4/22, 2022



HON. JILL H TALLEY