

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

Norman B. Blumenthal (SBN #068687)

Kyle R. Nordrehaug (SBN #205975)

Aparajit Bhowmik (SBN #248066)

2255 Calle Clara

La Jolla, CA 92037

Telephone: (858) 551-1223

Facsimile: (858) 551-1232

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

JOHN WHEELER, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

vs.

NEXSTAR BROADCASTING, INC., a
Corporation; NEXSTAR BROADCASTING
GROUP, INC., a Corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. **CGC-22-600499**

**[PROPOSED] ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: June 26, 2024

Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer

Dept.: 302

Action Filed: July 1, 2022

Trial Date: Not set

1 On June 26, 2024, a hearing was held on the motion of Plaintiff John Wheeler (“Plaintiff”) for final approval of the Class Action and PAGA Settlement Agreement (the “Agreement”) with Defendants Nexstar Media Inc., f/k/a Nexstar Broadcasting, Inc. and Nexstar Media Group, Inc. f/k/a Nexstar Broadcasting Group, Inc. (“Defendants”) and payments to the Plaintiff, Class Counsel, Aggrieved Employees, the Labor and Workforce Development Agency (“LWDA”) and the Administrator.

7 The parties have submitted their Agreement, which this Court preliminarily approved by its February 15, 2024, order (“Preliminary Approval Order”). In accordance with the Preliminary Approval Order, Class Members have been given notice of the terms of the Agreement and the opportunity to comment on or object to it or to exclude themselves from its provisions.

11 Having received and considered the Settlement, the supporting papers filed by the parties, and the evidence and argument received by the Court at the hearing before it entered the Preliminary Approval Order and the final approval hearing on June 26, 2024, the Court grants final approval of the Settlement, and HEREBY ORDERS as follows:

15 1. The certification of the Class is confirmed for the sole and exclusive purpose of entering a settlement in this matter:

17 All individuals who were employed by Defendants in California and classified as a non-exempt employee at any time during the Class Period.
18 The Class Period is July 1, 2018 through October 17, 2023.

19 2. The Administrator received two (2) valid requests for exclusion from the Class. The individuals who timely submitted valid requests for exclusion are Steven Womack and Tiffany Justice.

22 3. The Court confirms the appointment of Plaintiff as the Class Representative, and Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas J. De Blouw, Jeffrey S. Herman, Sergio J. Puche, and Trevor G. Moran of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class.

26 4. Pursuant to the Preliminary Approval Order, the Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) was sent to each Class Member by first-class mail. These papers informed Class Members of the terms of the

1 Settlement, their right to receive an Individual Class Payment, their right to comment on or object
2 to the Settlement or to opt-out of the Settlement and pursue their own remedies, and their right to
3 appear in person or remotely or by counsel at the Final Approval Hearing and be heard regarding
4 final approval of the Settlement. Adequate periods of time were provided by each of these
5 procedures to provide notice of their rights and time for Class Members to act with respect to these
6 rights. No class members objected to the Settlement as part of this notice process or stated an
7 intent to appear at the final approval hearing.

8 5. The Court finds and determines that this notice procedure afforded adequate
9 protections to Class Members and provides the basis for the Court to make an informed decision
10 regarding approval of the Settlement based on the responses of Class Members. The Court finds
11 and determines that the Class Notice provided in this case was the best notice practicable and it
12 satisfied the requirements of law and due process.

13 6. For the reasons stated in the Preliminary Approval Order, the Court finds and
14 determines that the proposed Class, as defined in the definitions section of the Agreement and
15 Paragraph 1 herein, meets all the legal requirements for class certification, and it is hereby ordered
16 that the Class is finally approved and certified as a class for purposes of the Settlement.

17 7. The Court further finds and determines that the Gross Settlement Amount of Three
18 Million Eight Hundred Thousand Dollars (\$3,800,000) and the terms of the Agreement are fair,
19 reasonable, and adequate to the Class and to each Class Member. The Class Members who have
20 not opted-out will be bound by the Settlement. Aggrieved Employees (as defined in the Agreement
21 as all individuals who were employed by Defendants in California and classified as a non-exempt
22 employee at any time during the PAGA Period which is July 1, 2021 through October 17, 2023)
23 will be subject to the release of the Released PAGA Claims as set forth in the Agreement, and will
24 be sent an Individual PAGA Payment, regardless of whether they opt-out of the Class portion of
25 the Settlement. The Settlement is ordered finally approved, and all terms and provisions of the
26 Settlement should be and hereby are ordered to be consummated.

27 8. The Court finds and determines that the Individual Class Payments to be paid to
28 the Participating Class Members, as provided for by the Agreement, are fair and reasonable. The

1 Court hereby grants final approval to and orders the payment of those amounts to be made to the
2 Participating Class Members out of the Net Settlement Amount in accordance with the Agreement.

3 9. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
4 Code §§ 2699(1)(2), (1)(4), the LWDA has been given notice of the Settlement. Pursuant to PAGA,
5 on the date the Plaintiff filed the motion seeking approval of the Settlement with the Court,
6 Plaintiff served the LWDA with the motion which included a copy of the Agreement. The Court
7 finds and determines that the notice of the Settlement complied with the statutory requirements of
8 PAGA.

9 10. The Court finds and determines that the resolution of the Released PAGA Claims
10 and the PAGA Penalties of Eighty Thousand Dollars (\$80,000), which includes payment to the
11 LWDA of \$60,000 as its share of the settlement of civil penalties and the allocation of \$20,000 as
12 Individual PAGA Payments to the Aggrieved Employees, is fair, reasonable, and appropriate. The
13 Court hereby grants approval of the resolution of the PAGA claims and orders that the PAGA
14 Penalties be paid out of the Gross Settlement Amount in accordance with the Agreement.

15 11. The Court finds and determines that the fees and expenses of ILYM Group in
16 administering the settlement, in the amount of \$20,467, are fair and reasonable. The Court hereby
17 grants final approval to such amount and orders that the payment of approximately that amount be
18 paid out of the Gross Settlement Amount in accordance with the Agreement.

19 12. In addition to any recovery that Plaintiff may receive from the Net Settlement
20 Amount and PAGA Penalties, and in recognition of the Plaintiff's efforts on behalf of the Class,
21 and the risks she undertook, the Court hereby approves the payment of the Class Representative
22 Service Payment to Plaintiff in the amount of \$10,000. The Class Representative Service Payment
23 shall be paid from the Gross Settlement Amount.

24 13. Pursuant to the authorities and argument presented to the Court, the Court approves
25 the payment of attorneys' fees to Class Counsel in the sum of \$1,266,666, plus costs and expenses
26 in the amount of \$33,000. Said amount shall be paid from the Gross Settlement Amount.

27 14. The parties are hereby ordered to comply with the terms of the Settlement.
28 Defendants shall fully fund the Gross Settlement Amount, and also fund the amounts necessary to

1 fully pay Defendants' share of payroll taxes, by transmitting the funds to the Administrator no
2 later than 14 days after the Effective Date.

3 15. Without affecting the finality of this order in any way, pursuant to California Code
4 of Civil Procedure section 664.6 the Court retains jurisdiction of all matters relating to the
5 interpretation, administration, implementation, effectuation, and enforcement of this order and the
6 Settlement.

7 **IT IS SO ORDERED.**

8 Dated: _____

9 _____
10 The Honorable Richard B. Ulmer
11 Judge of the Superior Court
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28