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Attorneys for PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

PEDRO RODRIGUEZ and JOSE GARCIA,
individuals, on behalf of themselves and on
behalf of all persons similarly situated,

Plaintiffs,

v.

FERMA GREENBOX, INC., a California
Corporation; FERMA CORPORATION, a
California Corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. RG21101104

~~PROPOSED~~ AMENDED JUDGMENT

Date: July 28, 2023
Time: 9:00 am

Judge: ~~Hon. Evelio Grillo~~
Dept.: 21

Trial Date: Not Set
Action Filed: May 21, 2021

FILED
Superior Court of California
County of Alameda
06/14/2024

Clad Flake, Executive Officer / Clerk of the Court

By: Nicole Hall Deputy
N. Hall

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 Class Representative Service Award duly came on for hearing on July 28, 2023, before the
4 above-entitled Court. The parties having settled this action and the Court having entered an Order
5 Granting Motion for Final Approval of Class Action and PAGA Settlement and good cause
6 appearing therefor,

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

8 1. The certification of the Settlement Class is confirmed for the purposes of
9 settlement. The Class is defined as "All truck drivers who are or previously were employed by
10 Defendants performed work in California from May 21, 2017, to September 30, 2022."

11 2. All persons who meet the foregoing definition are members of the Settlement
12 Class, except for those individuals who filed a valid request for exclusion ("opt out") from the
13 Class. There are 52 Class Members who worked for Defendants during the Class Period. After
14 providing Notice to the Class, there are zero opt-outs and zero objections to the Settlement.

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

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

24 5. As of the date the Defendants fund the Gross Settlement Amount, Plaintiffs and
25 each Class Member who has not validly opted out has released the Defendants from the "Released
26 Class Claims" as set forth in the Agreement.

27 6. As used in paragraph 5 above, the quoted terms have the meanings set forth below:
28

1 (a) The “Released Class Claims” are defined as all class claims alleged or
2 which could have reasonably been alleged, based on the facts set forth in either the Complaint
3 filed on May 21, 2021 or the First Amended Complaint filed on October 18, 2021, which occurred
4 during the Class period, and expressly excluding all other claims, including claims for vested
5 benefits, wrongful termination, unemployment insurance, disability, social security, workers’
6 compensation, and class claims outside of the Class Period.

7 7. As of the date the Defendants fund the Gross Settlement Amount, the Plaintiff, the
8 Labor and Workforce Development Agency (“LWDA”), the State of California, and each
9 “Aggrieved Employee” have released the Defendants from the “Released PAGA Claims” for the
10 “PAGA Period” as set forth in the Agreement.

11 8. As used in paragraph 7 above, the quoted terms have the meanings set forth below:

12 (a) The “Aggrieved Employees” are defined as all of all truck drivers who are
13 or previously were employed by Defendants and performed work in California during the PAGA
14 Period. The PAGA Period is defined as the period between March 3, 2020 to September 30, 2022.

15 (b) The “Released PAGA Claims” are defined as all PAGA claims alleged in
16 the operative complaint and Plaintiffs’ PAGA notices to the LWDA which occurred during the
17 PAGA Period, and expressly excluding all other claims, including claims for vested benefits,
18 wrongful termination, unemployment insurance, disability, social security, workers’
19 compensation, and PAGA claims outside of the PAGA Period.

20 9. This Court hereby grants final approval and awards the following: (i) \$83,267.73
21 for the Class Counsel Award comprised of one-third of the Gross Settlement Amount, \$66,666.00
22 and litigation expenses in the amount of \$16,601.73; (ii) the Class Representative Service Awards
23 to Class Representatives, Pedro Rodriguez and Jose Garcia, in the amount of \$7,500.00 each in
24 exchange for a general release; (iii) Settlement Administration Costs of \$8,000.00 to ILYM
25 Group, Inc.; and (iv) \$7,500.00 (75% of the PAGA Settlement) to the Labor and Workforce
26 Development Agency (“LWDA Payment”); and (v) \$2,500.00 (25% of the PAGA Settlement) to
27 the Aggrieved Employees.

1 10. Pursuant to the Declaration of Nathalie Hernandez of ILYM Group, Inc., a
2 total of \$2,301.56 remains uncashed after the May 8, 2024, check cashing deadline date.
3 Within (30) days of entry of this Amended Judgement, the uncashed settlement funds in the
4 amount of \$2,301.56 shall be disbursed to the Cy Pres: Community Law Project.

5 11. Plaintiffs shall give notice of this Judgment to the Labor and Workforce
6 Development Agency within ten (10) days after entry of the Judgment or order pursuant to
7 California Labor Code section 2699(1)(3).

8 **LET JUDGMENT BE FORTHWITH ENTERED ACCORDINGLY. IT IS SO**
9 **ORDERED.**

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11 DATED: 06/14/2024, ~~2024~~
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14 ~~Hon. Evelio Grillo~~
15 **Noel Wise / Judge**
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SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 06/17/2024
PLAINTIFF/PETITIONER: Pedro Rodriguez et al	Chad Finke, Executive Officer / Clerk of the Court By: <u>Nicole Hall</u> Deputy N. Hall
DEFENDANT/RESPONDENT: Ferma Greenbox, Inc. et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG21101104

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Judgment entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Rachael Elizabeth Brown
Sweeney Mason LLP
reb@smwb.com

Shani O Zakay
Zakay Law Group, APLC
Tstone@jcl-lawfirm.com

Dated: 06/17/2024

Chad Finke, Executive Officer / Clerk of the Court

By:

Nicole Hall

N. Hall, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
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DEFENDANT/RESPONDENT: Ferma Greenbox, Inc. et al	N. Hall
CERTIFICATE OF MAILING	CASE NUMBER: RG21101104

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Roger M. Mason
Sweeney, Mason, Wilson & Bosomworth
983 University Ave.
Suite 104C
Los Gatos, CA 95032-

Chad Finke, Executive Officer / Clerk of the Court

Dated: 06/17/2024

By:

Nicole Hall

N. Hall, Deputy Clerk

CERTIFICATE OF MAILING