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13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES
16

17 ABRAHAM ONOFRE, individually, and on
behalf of all others similarly situated,
18 REINA CEDILLO, individually, and on behalf of
all others similarly situated,
19

20 *Plaintiff,*

21 vs.

22 CAITAC GARMENT PROCESSING, INC., a
California Corporation, and DOES 1 through 10,
23 inclusive,

24 *Defendants.*
25
26

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

FEB 27 2020

Sherri R. Carter, Executive Officer/Clerk
By: Isabel Arellanes, Deputy

Case No.: BC702283

Hon. Kenneth R. Freeman

CLASS ACTION

**PROPOSED ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT; JUDGMENT**

Date: February 27, 2020

Time: 10:00 a.m.

Dept.: SSC-14

Action Filed: May 1, 2018

Trial date: Not set

27 RECEIVED
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JAN 28 2020 Case No.: BC702283

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Onofre v. Caitac Garment Processing, Inc.

**PROPOSED ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT; JUDGMENT**

FILING WINDOW

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs ABRAHAM ONOFRE and REINA CEDILLO ("Plaintiffs") and Defendant
3 CAITAC GARMENT PROCESSING, INC. ("Defendant") have reached terms of settlement for a
4 putative class action.

5 Plaintiffs have filed a motion for final approval of a class action settlement of the claims
6 asserted against Defendant in this action, memorialized in the FIRST AMENDED JOINT
7 STIPULATION OF CLASS ACTION SETTLEMENT (*see* Declaration of H. Scott Leviant In Support
8 of Plaintiff's Motion for Final Approval of Class Action Settlement ["Leviant Decl."], at Exh. 1). The
9 FIRST AMENDED JOINT STIPULATION OF CLASS ACTION SETTLEMENT is referred to
10 herein as the "Agreement" or "Settlement."

11 After reviewing the Agreement the Notice process, and other related documents, and having
12 heard the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

13 1. The Court finds that the terms of the proposed class action Settlement are fair,
14 reasonable, and adequate, pursuant to California Code of Civil Procedure § 382. In granting final
15 approval of the class action settlement the Court has considered the factors identified in *Dunk v. Ford*
16 *Motor Co.*, 48 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal.
17 App. 4th 224 (2001) and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

18 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
19 non-collusive arms-length negotiations. The Court further finds that the parties have conducted
20 thorough investigation and research, and the attorneys for the parties are able to reasonably evaluate
21 their respective positions. The Court also finds that settlement at this time will avoid additional
22 substantial costs, as well as avoid the delay and risks that would be presented by the further prosecution
23 of the action. The Court finds that the risks of further prosecution are substantial.

24 3. The parties' Settlement is granted final approval as it meets the criteria for final
25 settlement approval. The settlement falls within the range of possible approval as fair, adequate and
26 reasonable.

27 4. The Amended Class Notice provided to the Settlement Class conforms with the
28 requirements of Code of Civil Procedure § 382, Civil Code § 1781, Rules of Court 3.766 and 3.769, the

1 California and United States Constitutions, and any other applicable law, and constitutes the best notice
2 practicable under the circumstances, by providing individual notice to all Class Members who could be
3 identified through reasonable effort, and by providing due and adequate notice of the proceedings and
4 of the matters set forth therein to the other Settlement Class Members. The Amended Class Notice fully
5 satisfied the requirements of due process. The distribution of the Notice Packet directed to the
6 Settlement Class Members as set forth in the Agreement has been completed.

7 5. The following persons are certified as Class Members solely for the purpose of entering
8 a settlement in this matter:

9 All persons who worked for any Defendant in California as an hourly-paid, non-
10 exempt employee at any time during the Class Period. (May 1, 2014 through May 1,
2019).

11 (Settlement, ¶¶ 7-8.)

12 6. No Class Members have objected to the terms of the Settlement.

13 7. No Class Members have submitted a timely request for exclusion according to the
14 Settlement Administrator. All Class Members are bound by the Final Approval Order and Judgment in
15 the Action.

16 8. Plaintiffs ABRAHAM ONOFRE and REINA CEDILLO are appointed the Class
17 Representative. The Court finds Plaintiffs' counsel are adequate, as they are experienced in wage and
18 hour class action litigation and have no conflicts of interest with absent Settlement Class Members, and
19 that they adequately represented the interests of absent class members in the Litigation. Kane Moon, H.
20 Scott Leviant, and Allen Feghali of Moon & Yang, APC, and Ronald H. Bae and Olivia D. Scharrer of
21 Aequitas Legal Group, are appointed Class Counsel.

22 9. Upon entry of this Final Approval Order and Judgment, compensation to the Class
23 Members shall be effectuated pursuant to the terms of the Settlement.

24 10. In addition to any recovery that the Plaintiffs ABRAHAM ONOFRE and REINA
25 CEDILLO may receive under the Settlement as Final Settlement Class Members, and in recognition of
26 the Named Plaintiffs' efforts on behalf of the Class, the Court hereby approves the payment of an
27 enhancement award to ABRAHAM ONOFRE in the amount of \$7,500 / _____ [up to
28 \$7,500.00], and REINA CEDILLO in the amount of \$5,000 / _____ [up to \$5,000.00]. The

1 Court finds that these amounts are fair and reasonable in light of Plaintiffs' contributions to this
2 litigation, and this amount is unopposed.

3 11. The Court approves the payment of attorneys' fees to Class Counsel in the amount of
4 \$397,555.52 / _____ [up to \$397,555.52], and the reimbursement of litigation expenses
5 in the sum of \$ \$12,000 / _____ [up to \$12,000.00]. Based on disclosure of a written fee
6 sharing agreement approved in writing by Plaintiffs, the Court awards Aequis Legal Group 10% of
7 the total fee awarded and Moon & Yang, APC 90% of the total fee awarded.

8 12. The Court approves and orders payment in the amount of \$11,250.00 to Phoenix
9 Settlement Administrators for performance of its services as the Settlement Administrator.

10 13. The Court approves and orders payment in the amount of \$15,000.00 to the Labor and
11 Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys
12 General Act of 2004 (Labor Code § 2698 *et seq.*).

13 14. Upon the Final Effective Date, Plaintiffs and the Class Members, shall have, by
14 operation of this Final Approval Order and Judgment, fully, finally and forever released, relinquished,
15 and discharged Defendants from the released claims described in the Settlement.

16 15. Upon completion of administration of the Settlement, the Parties shall file a declaration
17 stating that all amounts payable under the Settlement have been paid and that the terms of the
18 Settlement have been completed. Uncashed checks will be tendered to the California State Controller
19 as abandoned property in the name of the Class Member failing to timely cash their settlement check.

20 16. This "Judgment" is intended to be a final disposition of the Action in its entirety and is
21 intended to be immediately appealable.

22 17. In accordance with California Rule of Court 3.771(b), the Parties are ordered to give
23 notice of this final Order and Judgment to all Settlement Class Members by posting the Order and
24 Judgment for 90 days on the Settlement Administrator's website.

25 ///

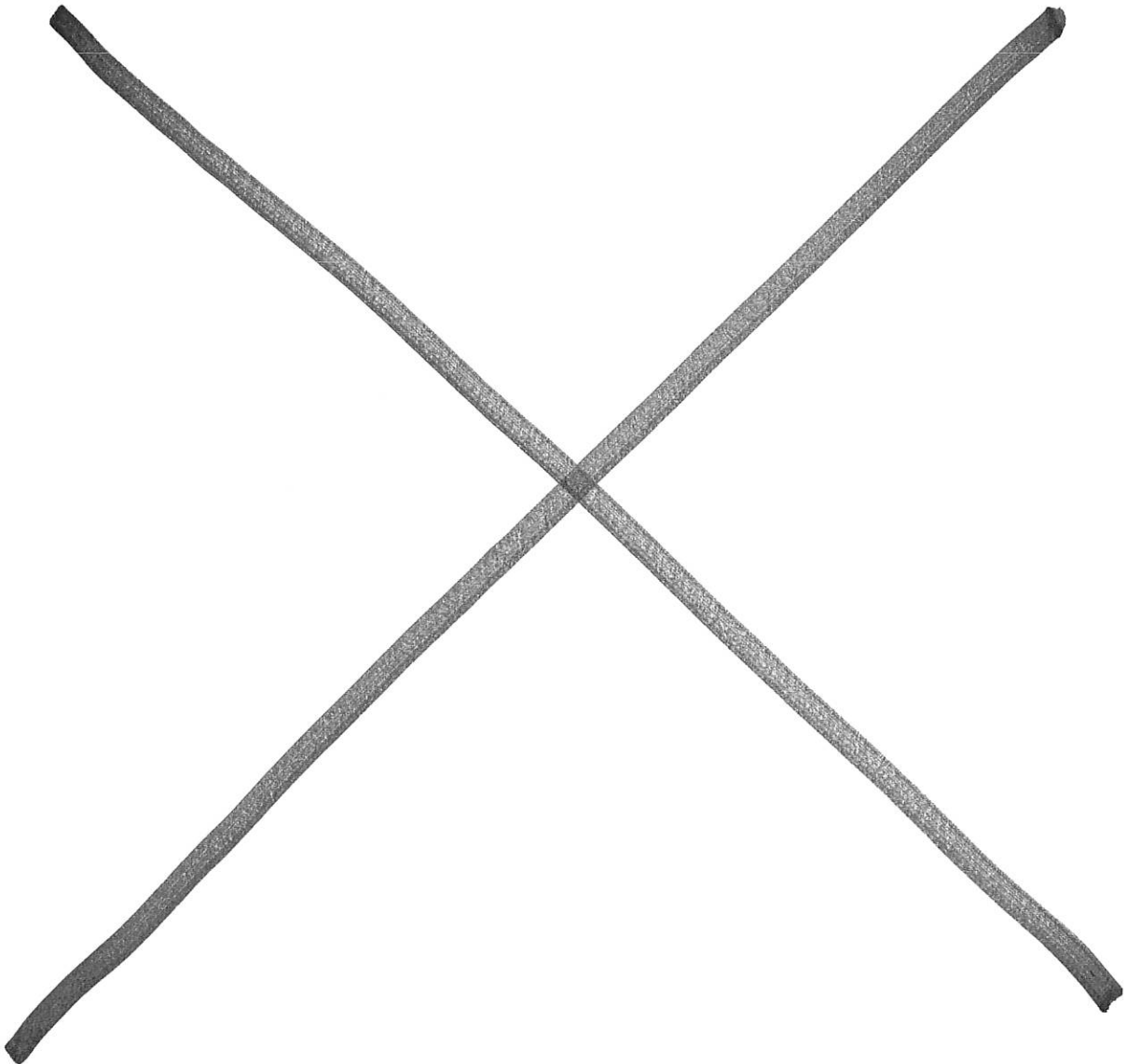
1 18. This Court shall retain jurisdiction with respect to all matters related to the
2 administration and consummation of the Settlement, and any and all claims, asserted in, arising out of,
3 or related to the subject matter of the Action, including but not limited to all matters related to the
4 Settlement and the determination of all controversies relating thereto.

5
6 **IT IS SO ORDERED.**

7
8 Dated: FEB 27 2020

KENNETH R. FREEMAN

Hon. Kenneth R. Freeman
LOS ANGELES COUNTY SUPERIOR COURT JUDGE



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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1055 W. 7th Street, Suite 1880, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT; JUDGMENT** on the interested parties in this action by sending ☐ the original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

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Armen Zenjiryan
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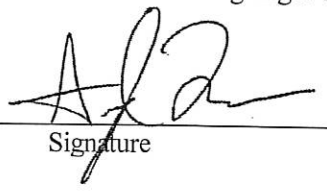
Attorneys for Plaintiff Cedillo

☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service CASEANYWHERE. I did not receive an error message.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **January 28, 2020** at Los Angeles, California.

Angel Reyes

Type or Print Name



Signature