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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO CIVIL DIVISION

FEB - 5 2021

BY   
VERONICA GONZALEZ, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**

10 CHARLES SCOTT, ROBERT VASQUEZ,  
11 JORGE VASQUEZ, individually, and on  
behalf of other members of the general public  
12 similarly situated; LORENA MARTINEZ,  
LILIANA MUNIZ, CAROL ALVAREZ,  
13 MARTHA MARISCAL, individually, and on  
behalf of all other members of the general  
14 public similarly situated, and on behalf of other  
aggrieved employees pursuant to the California  
Private Attorneys General Act;

15 Plaintiffs,

16 vs.

17 KUEHNE + NAGEL, INC., an unknown  
18 business entity; and DOES 1 through 100,  
inclusive,

19 Defendants.

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21 \_\_\_\_\_  
22 LILIANA MUNIZ, individually, and on behalf  
of other aggrieved employees pursuant to the  
California Private Attorneys General Act;

23 Plaintiffs,

24 vs.

25 KUEHNE + NAGEL, INC., an unknown  
26 business entity; and DOES 1 through 100,  
inclusive,

27 Defendants.  
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Case No.: CIVDS1707477  
Consolidated Case No.: CIVDS1817959

Honorable Bryan F. Foster  
Department S22

**CLASS ACTION**

**[PROPOSED] FINAL APPROVAL  
ORDER AND JUDGMENT**

Date: February 5, 2021  
Time: 9:00 a.m.  
Department: S22

X  
by [Signature]

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12 *Attorneys for Plaintiff Lorena Martinez and the Class*

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1 This matter has come before the Honorable Bryan F. Foster in Department S22 of the  
2 above-entitled Court, located at 247 West Third Street, San Bernardino, California 92415, on  
3 Plaintiffs Charles Scott, Liliana Muniz, Lorena Martinez, Carol Alvarez, Martha Mariscal, Robert  
4 Vasquez, and Jorge Vasquez's (together, "Plaintiffs") Motion for Final Approval of Class Action  
5 Settlement, Attorneys' Fees, Costs, and Enhancement Awards ("Motion for Final Approval").  
6 Lawyers for Justice, PC, Protection Law Group LLP, Law Offices of Scott E. Wheeler, and The  
7 Wand Law Firm, P.C. appeared on behalf of Plaintiffs, and Varner & Brandt LLP appeared on  
8 behalf of Defendant Kuehne + Nagel, Inc. ("Defendant").

9 On August 14, 2020, the Court entered the Order Granting Preliminary Approval of Class  
10 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement  
11 of the above-entitled actions ("Actions") in accordance with the Joint Stipulation of Class Action  
12 and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"), which, together  
13 with the exhibits annexed thereto, set forth the terms and conditions for settlement of the Actions.

14 Having reviewed the Settlement Agreement and duly considered the parties' papers and  
15 oral argument, and good cause appearing,

16 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

17 1. All terms used herein shall have the same meaning as defined in the Settlement  
18 Agreement and the Preliminary Approval Order.

19 2. This Court has jurisdiction over the claims of the Class Members asserted in this  
20 proceeding and over all parties to the Actions.

21 3. The Court finds that the applicable requirements of California Code of Civil  
22 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect  
23 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification  
24 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is  
25 hereby defined to include:

26 All current and former hourly-paid and/or non-exempt employees who worked  
27 for Defendant Kuehne + Nagel, Inc. within the State of California at any time  
28 during the time period from and including April 21, 2013 through August 14,  
2020 ("Class" or "Class Members").

1           4.       The Notice of Class Action Settlement (“Class Notice”) that was provided to the  
2 Class Members, fully and accurately informed the Class Members of all material elements of the  
3 Settlement and of their opportunity to participate in, object to or comment thereon, or to seek  
4 exclusion from, the Settlement; was the best notice practicable under the circumstances; was valid,  
5 due, and sufficient notice to all Class Members; and complied fully with the laws of the State of  
6 California, the United States Constitution, due process and other applicable law. The Class Notice  
7 fairly and adequately described the Settlement and provided the Class Members with adequate  
8 instructions and a variety of means to obtain additional information.

9           5.       Pursuant to California law, the Court hereby grants final approval of the Settlement  
10 and finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More  
11 specifically, the Court finds that the Settlement was reached following meaningful discovery and  
12 investigation conducted by Lawyers *for* Justice, PC, Protection Law Group LLP, Law Offices of  
13 Scott E. Wheeler, and The Wand Law Firm, P.C. (together, “Class Counsel”); that the Settlement  
14 is the result of serious, informed, adversarial, and arms-length negotiations between the parties;  
15 and that the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding,  
16 the Court has considered all of the evidence presented, including evidence regarding the strength  
17 of Plaintiffs’ claims; the risk, expense, and complexity of the claims presented; the likely duration  
18 of further litigation; the amount offered in the Settlement; the extent of investigation and discovery  
19 completed; and the experience and views of Class Counsel. The Court has further considered the  
20 absence of objections to and requests for exclusion from the Settlement submitted by Class  
21 Members. Accordingly, the Court hereby directs that the Settlement be affected in accordance  
22 with the Settlement Agreement and the following terms and conditions.

23           6.       A full opportunity has been afforded to the Class Members to participate in the  
24 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been  
25 heard. The Class Members also have had a full and fair opportunity to exclude themselves from  
26 the Settlement. Accordingly, the Court determines that all Class Members who did not timely and  
27 validly opt out of the Settlement (“Settlement Class Member”) are bound by this Final Approval  
28 Order and Judgment.

1           7.       The Court finds that payment of Settlement Administration Fees in the amount of  
2 \$13,000 is appropriate for the services performed and costs incurred and to be incurred for the  
3 notice and settlement administration process. It is hereby ordered that the Settlement  
4 Administrator, Phoenix Settlement Administrators, shall issue payment to itself in the amount of  
5 \$13,000, in accordance with the terms and methodology set forth in Settlement Agreement.

6           8.       The Court finds that the Enhancement Awards sought are fair and reasonable for  
7 the work performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Settlement  
8 Administrator issue payment in the amount of \$9,500.00 to Plaintiff Charles Scott and \$7,500.00  
9 each to Plaintiffs Liliana Muniz, Lorena Martinez, Carol Alvarez, Martha Mariscal, Robert  
10 Vasquez, and Jorge Vasquez for their Enhancement Awards, according to the terms and  
11 methodology set forth in the Settlement Agreement.

12           9.       The Court finds that the allocation of \$550,000.00 toward penalties under the  
13 California Private Attorneys General Act of 2004 (“PAGA Payment”), is fair, reasonable, and  
14 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA  
15 Payment as follows: the amount of \$412,500.00 to the California Labor and Workforce  
16 Development Agency, and the amount of \$137,500.00 to be included in the Net Settlement  
17 Amount for distribution to Settlement Class Members, according to the terms and methodology  
18 set forth in the Settlement Agreement.

19           10.      The Court finds that the request for attorneys’ fees in the amount of \$2,450,000.00  
20 to Class Counsel falls within the range of reasonableness, and the results achieved justify the award  
21 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and  
22 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the  
23 amount of \$2,450,000.00 to Class Counsel for attorneys’ fees, in accordance with the terms and  
24 methodology set forth in the Settlement Agreement, as follows: \$1,837,500.00 to Lawyers *for*  
25 Justice, PC, \$122,500.00 to Protection Law Group LLP, and \$490,000.00 to the Law Office of  
26 Scott E. Wheeler and The Wand Law Firm, P.C.

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1           11.     The Court finds that reimbursement of litigation costs and expenses in the amount  
2 of \$41,234.02 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the  
3 Settlement Administrator issue payment in the amount of \$50,000.00 to Class Counsel for  
4 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set  
5 forth in the Settlement Agreement, as follows: \$27,537.02 to Lawyers *for* Justice, PC, \$712.97 to  
6 Protection Law Group LLP, \$7,645.25 to the Law Office of Scott E. Wheeler, and \$5,337.88 to  
7 The Wand Law Firm, P.C.

8           12.     The Court hereby enters Judgment by which Settlement Class Member shall be  
9 conclusively determined to have given a release of any and all Released Claims against the  
10 Released Parties, as set forth in the Settlement Agreement and Class Notice.

11           13.     It is hereby ordered that Defendant shall fund the Gross Settlement Amount into an  
12 account established by the Settlement Administrator within thirty (30) calendar days of the  
13 Effective Date, in accordance with the terms and methodology set forth in the Settlement  
14 Agreement.

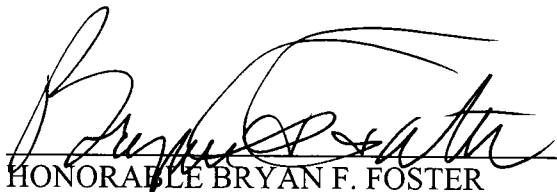
15           14.     It is hereby ordered that the Settlement Administrator shall distribute Individual  
16 Settlement Payments to the Settlement Class Members within ten (10) calendar days after  
17 Defendant funds the Gross Settlement Amount, according to the methodology and terms set forth  
18 in the Settlement Agreement.

19           15.     Individual Settlement Payment checks shall remain valid and negotiable for one  
20 hundred eighty (180) calendar days from the date of issuance, and if not cashed, deposited, or  
21 otherwise negotiated, shall be cancelled. The funds associated with cancelled Individual  
22 Settlement Payment checks shall be distributed in accordance with California Code of Civil  
23 Procedure section 384 to Legal Aid at Work

24           16.     After entry of this Final Approval Order and Judgment, pursuant to California Rules  
25 of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and  
26 enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and  
27 resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate  
28 any dispute arising from or in connection with the distribution of settlement benefits.

1           17. Notice of entry of this Final Approval Order and Judgment shall be given to the  
2 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix  
3 Settlement Administrators' website for a period of at least sixty (60) calendar days after the date  
4 of entry of this Final Approval Order and Judgment. Individualized notice is not required.

5  
6 Dated: 2-5-2021

  
7 HONORABLE BRYAN F. FOSTER  
8 JUDGE OF THE SUPERIOR COURT

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