

1 Edwin Aiwazian (SBN 232943)  
Arby Aiwazian (SBN 269827)  
2 Joanna Ghosh (SBN 272479)  
**LAWYERS for JUSTICE, PC**  
3 410 West Arden Avenue, Suite 203  
Glendale, California 91203  
4 Tel: (818) 265-1020 / Fax: (818) 265-1021

**FILED**  
KERN COUNTY SUPERIOR COURT  
05/05/2021  
BY Griffith, Kasey  
DEPUTY

5 *Attorneys for Plaintiff and the Class*

6  
7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF KERN**

10 LOUIS CASTELLON, individually, and on  
11 behalf of other members of the general public  
12 similarly situated an on behalf of other  
aggrieved employees pursuant to the  
California Private Attorneys General Act;

13 Plaintiff,

14 vs.

15 MRC GLOBAL US INC., an unknown  
16 business entity; and DOES 1 through 100,  
inclusive,

17 Defendants.

Case No.: BCV-19-101162

Honorable Stephen D. Schuett  
Department 18

**CLASS ACTION**

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

Date: May 5, 2021  
Time: 8:30 a.m.  
Department: 18

Complaint Filed: April 26, 2019  
FAC Filed: June 11, 2019  
Trial Date: None Set

1 This matter has come before the Honorable Stephen D. Schuett in Department 18 of the  
2 above-entitled Court, located at 1415 Truxtun Avenue, Bakersfield, California 93301, on Plaintiff  
3 Louis Castellon’s (“Plaintiff”) Motion for Final Approval of Class Action Settlement, Attorneys’  
4 Fees, Costs, and Service Payment (“Motion for Final Approval”). Lawyers *for* Justice, PC  
5 appeared on behalf of Plaintiff, and Ogletree, Deakins, Nash, Smoak & Stewart, P.C. appeared on  
6 behalf of Defendants MRC Global (US) Inc. (“Defendant”).

7 On December 1, 2020, the Court entered the Order Granting Preliminary Approval of Class  
8 Action Settlement (“Preliminary Approval Order”), thereby preliminarily approving the settlement  
9 of the above-entitled action (“Action”) in accordance with the Joint Stipulation for Class Action  
10 and PAGA Settlement and Release (“Settlement,” “Agreement,” or “Settlement Agreement”),  
11 which, together with the exhibits annexed thereto, set forth the terms and conditions for settlement  
12 of the Action.

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

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

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

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

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

25 All persons who worked for Defendant as non-exempt employees in the State of  
26 California at any time during the period of time from April 26, 2015 through  
December 1, 2020 (“Class” or “Class Members”).

27 ///

28 ///

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 (“Class Counsel”); that the Settlement is the  
13 result of serious, informed, adversarial, and arms-length negotiations between the parties; and that  
14 the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the  
15 Court has considered all of the evidence presented, including evidence regarding the strength of  
16 Plaintiff’s claims; the risk, expense, and complexity of the claims presented; the likely duration of  
17 further litigation; the amount offered in the Settlement; the extent of investigation and discovery  
18 completed; and the experience and views of Class Counsel. The Court has further considered the  
19 absence of objections to the Settlement submitted by Class Members. Accordingly, the Court  
20 hereby directs that the Settlement be affected in accordance with the Settlement Agreement and  
21 the following terms and conditions.

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

28 ///

1           7.       The Court finds that Class Members, Richard Jacoby and Angela Strickland, have  
2 timely and validly opted out of the Settlement and will not be bound by this Final Approval Order  
3 and Judgment.

4           8.       The Court finds that payment of Settlement Administration Expenses in the amount  
5 of \$7,000.00 is appropriate for the services performed and costs incurred and to be incurred for the  
6 notice and settlement administration process. It is hereby ordered that the Settlement  
7 Administrator, Phoenix Settlement Administrators, shall issue payment to itself in the amount of  
8 \$7,000.00, in accordance with the terms and methodology set forth in Settlement Agreement.

9           9.       The Court finds that the Service Payment sought is fair and reasonable for the work  
10 performed by Plaintiff on behalf of the Class. It is hereby ordered that the Settlement  
11 Administrator issue payment in the amount of \$10,000.00 to Plaintiff Louis Castellon for his  
12 Service Payment, according to the terms and methodology set forth in the Settlement Agreement.

13           10.      The Court finds that the allocation of \$60,000.00 toward penalties under the  
14 California Private Attorneys General Act of 2004 (“PAGA Payment”), is fair, reasonable, and  
15 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA  
16 Payment as follows: the amount of \$45,000.00 to the California Labor and Workforce  
17 Development Agency, and the amount of \$15,000.00 to be included in the Net Settlement Amount  
18 for distribution to Participating Class Members, according to the terms and methodology set forth  
19 in the Settlement Agreement.

20           11.      The Court finds that the request for attorneys’ fees in the amount of \$577,500.00 to  
21 Class Counsel falls within the range of reasonableness, and the results achieved justify the award  
22 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and  
23 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the  
24 amount of \$577,500.00 to Class Counsel for attorneys’ fees, in accordance with the terms and  
25 methodology set forth in the Settlement Agreement.

26           12.      The Court finds that reimbursement of litigation costs and expenses in the amount  
27 of \$26,161.48 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the  
28 Settlement Administrator issue payment in the amount of \$26,161.48 to Class Counsel for

1 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set  
2 forth in the Settlement Agreement.

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

6 14. It is hereby ordered that Defendant shall deposit the Gross Settlement Amount with  
7 the Settlement Administrator within thirty (30) calendar days following the Effective Date, in  
8 accordance with the terms and methodology set forth in the Settlement Agreement.

9 15. It is hereby ordered that the Settlement Administrator shall distribute Individual  
10 Settlement Payments to the Participating Class Members within fifteen (15) calendar days after  
11 Defendant funds the Gross Settlement Amount, according to the methodology and terms set forth  
12 in the Settlement Agreement.

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

18 17. Notice of entry of this Final Approval Order and Judgment shall be given to the  
19 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix  
20 Settlement Administrators' website for a period of at least ~~sixty (60)~~ <sup>thirty (30)</sup> calendar days after the date  
21 of entry of this Final Approval Order and Judgment. Individualized notice is not required.

22 Dated: 05/05/2021



23 HONORABLE STEPHEN D. SCHUETT  
24 JUDGE OF THE SUPERIOR COURT