

FILED
Superior Court of California
County of Los Angeles

APR 06 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By: A. Abramyan, Deputy

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Attorneys for Plaintiffs, Albino Lugo-Rodriguez and Elizabeth Villanueva, as individuals and on behalf of all employees similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
SPRING STREET COURTHOUSE

ALBINO LUGO-RODRIGUEZ, as an
individual, ELIZABETH VILLANUEVA, as
an individual, and on behalf of all similarly
situated employees,

Plaintiff,

v.

MY WORLD ENTERPRISES, INC., dba
ALONDRA HOT WINGS, and DOES 1
through 10, inclusive,

Defendants.

Case No. Case No. BC637677

CLASS ACTION

**[PROPOSED] ORDER RE MOTION FOR
FINAL APPROVAL**

Assigned for all purposes to:
Hon. Carolyn B. Kuhl; Dept. SS12

Date: April 6, 2021
Time: 10:30 a.m.
Dept.: SS12

Complaint Filed: October 20, 2016

RECEIVED
LOS ANGELES SUPERIOR COURT
MAR 24 2021
R. NAZARYAN

1 **[PROPOSED] ORDER**

2 On Apr. 6, 2021, at 10:00 a.m., in Department SS12 of this Court,
3 ALBINO LUGO-RODRIGUEZ and ELIZABETH VILLANUEVA ("Plaintiffs") and
4 Defendant MY WORLD ENTERPRISES, INC., dba ALONDRA HOT WINGS ("Defendant")
5 (collectively referred to as "the Parties") appeared before this Court on Plaintiffs' Motion for
6 Final Approval of the Class Action Settlement ("Motion"). The Court considered the
7 memorandum of points and authorities in support of the Motion and the declarations of Class
8 Counsel, Plaintiffs, and Claims Administrator, Taylor Mitzner, submitted in support the Motion.
9 After considering the evidence and argument presented by all Parties in attendance, the Court
10 hereby grants Plaintiffs' Motion in full. All terms of the Joint Stipulation of Class Action
11 Settlement and Release (the "Settlement Agreement") shall be incorporated into this Order. The
12 capitalized terms in this Order shall have the same definition, force, and effect, as in the
13 Settlement Agreement.

14 On October 1, 2020, this Court provisionally certified a Settlement Class consisting of
15 all California non-exempt employees of Defendants who worked at any time between December
16 16, 2014, and August 22, 2019.

17 The Maximum Settlement Amount shall be distributed as follows: (1) Class Counsel
18 attorneys fees in the amount of thirty-four thousand nine hundred ninety-six dollars and fifty
19 cents (\$34,996.50) which represents one-third of the gross settlement amount; (2) Class Counsel
20 costs in the amount of twenty-three thousand three hundred dollars and forty cents (\$23,300.40);
21 (3) Class Representative Enhancement Award of four thousand five hundred dollars (\$4,500.00)
22 to each of the two named Plaintiffs; (4) Claims Administration Costs of ten thousand dollars
23 (\$10,000.00.)

24 The remaining amount shall be allocated to the Net Settlement Amount, which will be
25 distributed in its entirety to Settlement Class Members who have not excluded themselves from
26 the Settlement Agreement. The Claims Administrator shall issue payment according to the terms
27 of the Settlement Agreement.
28

1 Any settlement checks that remain uncashed one hundred eighty (180) or more calendar
2 days after issuance shall be voided. The Claims Administrator shall forward all voided
3 settlement checks to the California State Controller's Office's Unclaimed Property Division. The
4 Claims Administrator shall also compile a list of the Participating Class Members for whom
5 their funds were deposited with the California State Controller's Office's Unclaimed Property
6 Division. In such event, the Participating Class Member shall nevertheless remain bound by the
7 Settlement. The Parties agree that good cause exists for the Court to approve this distribution
8 because the unclaimed funds are unclaimed reimbursements of employees that will be held by
9 the State of California for the benefit of these employees, who may request receipt of payment
10 from the California State Controller's Office's Unclaimed Property Division.

11 The Court finds an attorney's fee award based on one-third of the total recovery is
12 justified in light of the efficiency and quality of the settlement in the face of substantial risks.
13 The Court's award as a percentage of the Maximum Settlement Amount is guided by the
14 California Supreme Court's decision concerning the awarding of fees from monetary funds for
15 class members. (See *Laffitte v. Robert Half Intern. Inc.*, (2016) 1 Cal. 5th 480, 503.) Class
16 Counsel proceeded on a contingency basis despite the uncertainty of any fee award. Class
17 Counsel was necessarily precluded from pursuing other potential sources of fees because of the
18 work in connection with this Action. The Court further orders that the costs of administration
19 of the Settlement Agreement, as set forth in the declaration of Taylor Mitzner, from Phoenix
20 Class Action Administration Solutions, be paid out of the Settlement Agreement in the amount
21 of ten thousand dollars (\$10,000.00.)

22 The Court hereby awards a Class Representative Enhancement Award in the amount of
23 four thousand five hundred (\$4,5000.00) for each of the two Plaintiffs. The Court finds that
24 Plaintiffs have undertaken significant risk and performed valuable services on behalf of the
25 Settlement Class, and that this award would have a negligible impact on the claims of any of the
26 Settlement Class Members.

27 The Court shall hold a ~~status conference~~ *non-appearance case review* for final accounting on *Jan 20, 2022* at *2*

1 The Court orders that the final accounting report, to be filed no later than Jan. 15, 2022 *CHK*
2 shall include all information necessary for the Court to determine the total amount actually paid
3 to class members and the amount to be tendered to the State Controller's Office.

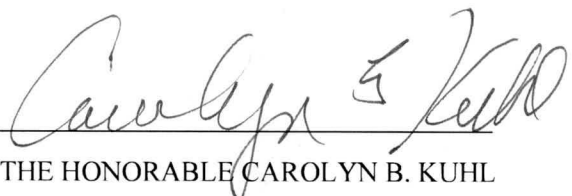
4 The Court orders the Claims Administrator, Phoenix Settlement Administrators, to
5 include on check stubs sent to each participating Class Member notice informing the Class
6 Member he or she can obtain a copy of the signed final order and judgment in this case on the
7 Class Administrator's website.

8 The Court further orders the Claims Administrator shall post the final signed order and
9 judgment in this action on their website under a specified "Judgment" tab.

10 Accordingly, the Court orders all Parties and their counsel to cooperate in fulfilling the
11 terms of the Settlement Agreement, consistent with this Order, and this Court shall retain
12 jurisdiction to effectuate the terms of the Settlement Agreement, including the binding effect of
13 the releases set forth in the Settlement Agreement.

14 **IT IS SO ORDERED.**

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17 Dated: Apr. 6, 2021


THE HONORABLE CAROLYN B. KUHL

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PROOF OF SERVICE
Code of Civ. Proc. § 1013a, subd. (3)
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 249 East Ocean Boulevard, Suite 814, Long Beach, California, 90802.

On **March 24, 2021**, I served true copies of the following document described as:
[PROPOSED] ORDER RE MOTION FOR FINAL APPROVAL. The documents were served on the interested parties in this action, addressed as follows:

Jibit Cinar, Esq. GOKAL LAW GROUP, INC. 26080 Towne Centre Drive Foothill Ranch, CA 92610	Attorneys for Defendants, MY WORLD ENTERPRISES, INC. dba ALONDRA HOT WINGS Phone: (949) 753-9100 Fax: (866) 610-9381 Email: jibit@gokallaw.com
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☒ **By electronic service:** Based on a court order, I caused the document(s) to be sent to the persons at the electronic service addresses listed above by transmission through CASE ANYWHERE.

☒ **(State):** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **March 24, 2021**, at Long Beach, California.



Gilbert Martinez