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Kane Moon (SBN 249834)
kane.moon@moonyanglaw.com
H. Scott Leviant (SBN 200834)
scott.leviant@moonyanglaw.com
Lilit Tunyan (SBN 329351)
lilit.tunyan@moonyanglaw.com

MOON & YANG, APC
1055 W. Seventh St., Suite 1880
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125

Oscar Ramirez (SBN 236768)
oscar@blairramirez.com
Matthew Blair (SBN 278411)
matthew@blairramirez.com

BLAIR & RAMIREZ, LLP
515 S. Flower Street, 19th Floor
Los Angeles, California 90071
Telephone: (213) 568-4000
Facsimile: (213) 568-4100

Attorneys for Plaintiff BROOKE LEE **S. DREW**

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

BROOKE LEE, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

FENDI NORTH AMERICA, INC., a New
York corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 19STCV10833

CLASS ACTION

[Hon. Daniel J. Buckley, Dept. 1]

~~PROPOSED~~ ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT;

JUDGEMENT THEREON

Date: July 30, 2021
Time: 10:30 a.m.
Courtroom: SSC-1
Judge: Hon. Daniel J. Buckley

Action Filed: May 29, 2019
Trial Date: Not Set

BY FAX

08:03:2021

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

2 Plaintiff BROOKE LEE ("Plaintiff") and Defendant FENDI NORTH AMERICA, INC.
3 ("Defendant") have reached terms of settlement for a putative class action.

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

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

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

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

23 3. The parties' Settlement is granted final approval as it meets the criteria for final
24 settlement approval. The settlement falls within the range of possible approval as fair, adequate and
25 reasonable, and appears to be the product of arm's-length and informed negotiations and to treat all
26 Class Members fairly. The Settlement Class meets the requirements for conditional certification for
27 settlement purposes only under Code of Civil Procedure § 382.

1 4. The Notice of Class Action Settlement (“Class Notice”) provided to the Settlement
2 Class conforms with the requirements of Code of Civil Procedure § 382, Civil Code § 1781, Rules of
3 Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law,
4 and constitutes the best notice practicable under the circumstances, by providing individual notice to all
5 Settlement Class Members who could be identified through reasonable effort, and by providing due and
6 adequate notice of the proceedings and of the matters set forth therein to the other Settlement Class
7 Members. The Class Notice fully satisfied the requirements of due process.

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

10 All of Defendant’s hourly-paid salespersons who performed work within the
11 State of California from March 29, 2018, until June 1, 2020.

12 (Settlement, ¶ II.33.)

13 6. The Court also defines the following “Aggrieved Employees” impacted by the proposed
14 settlement of PAGA claims:

15 All of Defendant’s hourly-paid salespersons who performed work within the
16 State of California from March 29, 2018, until June 1, 2020.

17 (Settlement, at ¶ II.18.)

18 7. Plaintiff BROOKE LEE is appointed the Class Representative. The Court finds
19 Plaintiff’s counsel are adequate, as they are experienced in wage and hour class action litigation and
20 have no conflicts of interest with absent Settlement Class Members, and that they adequately
21 represented the interests of absent class members in the Litigation. Kane Moon, H. Scott Leviant, and
22 Lilit Tunyan of Moon & Yang, APC, are appointed Class Counsel.

23 8. The Court appoints Phoenix Settlement Administrators to act as the Settlement
24 Administrator, pursuant to the terms set forth in the Agreement.

25 9. No Settlement Class Member requested exclusion from the Settlement Class. All Class
26 Members are bound by the Final Approval Order and Judgment in the Action.

1 10. Upon entry of this Final Approval Order and Judgment, funding of the Settlement and
2 compensation to the Settlement Class Members shall be implemented pursuant to the terms of the
3 Settlement.

4 11. In addition to any recovery that the Plaintiff may receive under the Settlement as a
5 Settlement Class Member, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class,
6 the Court hereby approves the payment of an enhancement award to Plaintiff BROOKE LEE in the
7 amount of **\$6,500.00 / \$**_____.

8 12. The Court approves the payment of attorneys' fees to Class Counsel in the amount of
9 **\$66,666.67 / \$**_____. Class Counsel have disclosed that they have reached a fee-
10 sharing agreement, acknowledged and approved in writing by Plaintiffs. Under the terms of the fee-
11 sharing agreement, 75% of the fee approved by the Court shall be awarded to Moon & Yang, APC, and
12 25% of the fee approved by the Court shall be awarded to Blair & Ramirez, LLP. Therefore, of the total
13 attorney's fees approved by the Court, **\$50,000.00 / \$**_____ shall be awarded to Moon
14 & Yang, APC, and **\$16,666.67 / \$**_____ shall be awarded to Blair & Ramirez, LLP.

15 13. Litigation expenses are approved by the Court in the following amounts: **\$10,237.20** is
16 awarded to Moon & Yang, APC (the total awarded does not exceed the \$12,000 limit on costs pursuant
17 to the Settlement Agreement).

18 14. The Court approves and orders payment in the amount of **\$4,000 /**
19 **\$**_____ to Phoenix Settlement Administrators for performance of its services as the
20 Settlement Administrator, as set forth in the Notice to the Class.

21 15. Upon completion of administration of the Settlement, the parties shall file a declaration
22 stating that all amounts payable under the Settlement have been paid and that the terms of the Settlement
23 have been completed. In the event that any un-cashed or abandoned checks must be distributed to the
24 approved cy pres recipient (Legal Aid at Work, 180 Montgomery Street, Suite 600, San Francisco, CA
25 94104) following the check negotiation period, the Settlement Administrator will cancel the tax
26 documents associated with those un-cashed or abandoned checks, and the Parties will submit to the Court
27 a revised Judgment that states the final disposition of all amounts under this Settlement, including the
28 aggregate amount of all uncashed checks and any accrued interest, in compliance with California Code

of Civil Procedure § 384. The Settlement Administrator shall not transmit any funds to the *cy pres* recipient until the Parties have provided to the Settlement Administrator a revised Judgment approving the final distribution of all Settlement funds, including the amount of unclaimed funds and accrued interest, if any, to be transmitted to the *cy pres* recipient. Any revised Judgment shall require that all unclaimed funds and any accrued interest shall be distributed to the *cy pres* recipient so that no additional funds from this Settlement remain in the custody of the Settlement Administrator.

16. The Court sets an Order to Show Cause hearing regarding compliance with all fund distribution requirements under the Settlement for June 10, 2022 (at least six and one-half months *after* November 2, 2021), at 4 ~~a.m.~~ p.m., in Dept. SSC-1 of the above-entitled Court. A declaration from the Settlement Administrator regarding compliance shall be filed with the Court no later than June 3, 2022. No appearance by the parties is required at the Order to Show Cause hearing if the Settlement Administrator's declaration is timely filed and the Settlement Administrator reports that all of the distributions under the Settlement are complete and, if necessary, an Amended Judgement is submitted that redirects any unclaimed funds to the *cy pres* recipient.

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

18. Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and the employer share of payroll taxes, Plaintiff and the Settlement Class Members shall have, by operation of this Final Approval Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant from the released claims described in the Settlement.

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

20. The Judgment set forth herein is intended to be a final disposition of the Action in its entirety and is intended to be immediately appealable.

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JUDGMENT

In accordance with and for the reasons stated in the Final Approval Order, Judgment shall be entered whereby the Plaintiff and all Settlement Class Members shall take nothing from Defendant, except as expressly set forth in the Settlement, which was previously filed as Exhibit 1 to the Declaration of H. Scott Leviant in Support of Plaintiff's Motion for Final Approval of Class Action Settlement.

The Settlement Class Members are:


All of Defendant's hourly-paid salespersons who performed work within the State of California from March 29, 2018, until June 1, 2020. (Settlement, ¶ II.33.)

Pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California Rules of Court, this Court reserves exclusive and continuing jurisdiction over this Action, the Plaintiff, Settlement Class Members, and Defendant, for the purposes of:

- (a) supervising the implementation, enforcement, construction, and interpretation of the Settlement, the Preliminary Approval Order, the plan of allocation, the Final Approval Order, and the Judgment; and
- (b) supervising distribution of amounts paid under this Settlement.

IT IS SO ORDERED.

Dated: 7/30/2021



Hon. Daniel J. Buckley
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 FINAL APPROVAL OF CLASS ACTION SETTLEMENT; JUDGMENT THEREON** 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:

Emilie C. Woodhead
Jason S. Campbell
WINSTON & STRAWS, LLP
333 S. Grand Ave
Los Angeles, CA 90071
Facsimile: 213-615-1750
E-mail: Ewoodhead@winston.com
JsCampbell@winston.com


Oscar Ramirez
Matthew Blair
Blair & Ramirez, LLP
515 S. Flower Street, 19th Floor
Los Angeles, CA 90071
Facsimile: (213)568-4100
E-mail: oscar@blairramirez.com
E-mail: matthew@blairramirez.com

Attorneys for Defendant Fendi North America, Inc. *Attorneys for Plaintiff Brooke Lee*

☒ **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 **July 6, 2021** at Los Angeles, California.

H. Scott Leviant
Type or Print Name


Signature