

APR 07 2022

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VENTURA SUPERIOR COURT

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RACHEL JACOBS

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and the Class

6 [Additional Counsel on Next Page]

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF VENTURA

10 DEISY SALAS, KRISTAL CARMONA,
ISRAEL LINTHROP, ALICIA KRUEGER-
11 AGUIRRE, individually, and on behalf of
other members of the general public similarly
12 situated and on behalf of other aggrieved
employees pursuant to the California Private
13 Attorneys General Act;

14 Plaintiffs,

15 v.

16 J & S RESTAURANTS, INC., a California
corporation; TOPP END ENTERPRISES,
INC., a California corporation; VALENCIA
17 TPP, a general partnership; YEASTIE BOYS,
a general partnership; and DOES 1 through
18 100, inclusive,

19 Defendants.

20 THEODORE CHRISTOPHER MILLER,
NOLAN MALONE, individually, and on
21 behalf of other members of the general public
similarly situated;

22 Plaintiffs,

23 v.

24 VENTURA COUNTY RESTAURANT
SERVICES INC. DBA TOPPERS PIZZA
25 PLACE, a California corporation; and DOES
1 through 100, inclusive,

26 Defendants.
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Case No.: 56-2019-00526959-CU-OE-VTA
(Consolidated with 56-2020-00546726-CU-
OE-VTA)

Honorable Henry J. Walsh
Department 42

CLASS ACTION

[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT

Date: April 4, 2022
Time: 8:30 a.m.
Department: 42

Salas Complaint
Filed: March 29, 2019
Salas FAC Filed: August 2, 2019
Salas SAC Filed: November 7, 2019
Salas TAC Filed: October 29, 2020
Miller Complaint
Filed: August 5, 2019
Miller FAC Filed: September 29, 2020
Trial Date: None Set

1 Jonathan A. Weinman (SBN 256553)
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5 Dennis S. Hyun (SBN 224240)
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9 *Attorneys for* Plaintiffs Theodore Christopher Miller, Nolan Malone, and the Class
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1 This matter has come before the Honorable Henry J. Walsh in Department 42 of the above-
2 entitled Court, located at 800 South Victoria Avenue, Ventura, California 93003, on Plaintiffs
3 Deisy Salas, Kristal Carmona, Israel Linthrop, Alicia Krueger-Aguirre, Theodore Christopher
4 Miller, and Nolan Malone's (together, "Plaintiffs") Motion for Final Approval of Class Action
5 Settlement, Attorneys' Fees, Costs, and Enhancement Payments ("Motion for Final Approval").
6 Lawyers for Justice, PC appeared on Plaintiffs Deisy Salas, Kristal Carmona, Israel Linthrop,
7 Alicia Krueger-Aguirre, and the Class, Broslavsky & Weinman, LLP and Hyun Legal, APC
8 appeared on behalf of Plaintiffs Theodore Christopher Miller, Nolan Malone, and the Class, and
9 LightGabler appeared on behalf of Defendants J & S Restaurants, Inc., Ventura County Restaurant
10 Services, Inc. dba Toppers Pizza Place, Topp End Enterprises, Inc., Red Flash, Inc., Valencia TPP,
11 and Yeastie Boys ("Defendants").

12 On November 1, 2021, the Court entered the Order Granting Preliminary Approval of Class
13 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
14 of the above-entitled actions ("Actions") in accordance with the Joint Stipulation of Class Action
15 and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"), which, together
16 with the exhibits annexed thereto, set forth the terms and conditions for settlement of the Actions.

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

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

- 20 1. All terms used herein shall have the same meaning as defined in the Settlement
21 Agreement and the Preliminary Approval Order.
- 22 2. This Court has jurisdiction over the claims of the Class Members asserted in this
23 proceeding and over all parties to the Actions.
- 24 3. The Court finds that the applicable requirements of California Code of Civil
25 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect
26 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification
27 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is
28 hereby defined to include:

1 All current and former hourly-paid or non-exempt employees employed by
2 Defendants in California at any time from March 29, 2015 through November
3 1, 2021 ("Class" or "Class Members").

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

12 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
13 and finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More
14 specifically, the Court finds that the Settlement was reached following meaningful discovery and
15 investigation conducted by Lawyers for Justice, PC, Broslavsky & Weinman, LLP, and Hyun
16 Legal, APC (together, "Class Counsel"); that the Settlement is the result of serious, informed,
17 adversarial, and arms-length negotiations between the parties; and that the terms of the Settlement
18 are in all respects fair, adequate, and reasonable. In so finding, the Court has considered all of the
19 evidence presented, including evidence regarding the strength of Plaintiffs' claims; the risk,
20 expense, and complexity of the claims presented; the likely duration of further litigation; the
21 amount offered in the Settlement; the extent of investigation and discovery completed; and the
22 experience and views of Class Counsel. The Court has further considered the absence of objections
23 to the Settlement submitted by Class Members. Accordingly, the Court hereby directs that the
24 Settlement be affected in accordance with the Settlement Agreement and the following terms and
25 conditions.

26 6. A full opportunity has been afforded to the Class Members to participate in the
27 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
28 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
the Settlement. Accordingly, the Court determines that all Class Members who did not timely and

1 validly request exclusion from the Settlement ("Settlement Class Member") are bound by this Final
2 Approval Order and Judgment.

3 7. The Court finds that Class Member Leticia Wilber has timely and validly requested
4 exclusion from the Settlement and will not be bound by this Final Approval Order and Judgment
5 and will not be entitled to an Individual Settlement Share.

6 8. The Court finds that payment of Settlement Administration Costs in the amount of
7 \$21,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
8 notice and settlement administration process. It is hereby ordered that the Settlement
9 Administrator, Phoenix Class Action Administration Solutions, shall issue payment to itself in the
10 amount of \$21,000.00, in accordance with the terms and methodology set forth in Settlement
11 Agreement.

12 9. The Court finds that the Enhancement Payments sought are fair and reasonable for
13 the work performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Settlement
14 Administrator issue payment in the amount of \$10,000.00 each to Plaintiffs Deisy Salas, Kristal
15 Carmona, Israel Linthrop, Alicia Krueger-Aguirre, Theodore Christopher Miller, and Nolan
16 Malone for their Enhancement Payments, according to the terms and methodology set forth in the
17 Settlement Agreement.

18 10. The Court finds that the allocation of \$250,000.00 toward penalties under the
19 California Private Attorneys General Act of 2004 ("PAGA Allocation"), is fair, reasonable, and
20 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
21 Allocation as follows: the amount of \$187,500.00 to the California Labor and Workforce
22 Development Agency, and the amount of \$62,500.00 to be included in the Net Settlement Amount
23 for distribution to Settlement Class Members, according to the terms and methodology set forth in
24 the Settlement Agreement.

25 11. The Court finds that the request for attorneys' fees in the amount of \$805,000.00 to
26 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
27 sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and
28 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the

1 amount of \$805,000.00 to Class Counsel for attorneys' fees, in accordance with the terms and
2 methodology set forth in the Settlement Agreement, as follows: \$644,000.00 to Lawyers for
3 Justice, PC and \$161,000.00 to Broslavsky & Weinman, LLP and Hyun Legal, APC.

4 12. The Court finds that reimbursement of litigation costs and expenses in the amount
5 of \$75,000.00 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
6 Settlement Administrator issue payment in the amount of \$66,687.60 to Class Counsel for
7 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
8 forth in the Settlement Agreement, as follows: \$60,212.84 to Lawyers for Justice, PC, \$3,867.38
9 to Broslavsky & Weinman, LLP, and \$2,607.38 to Hyun Legal, APC .

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

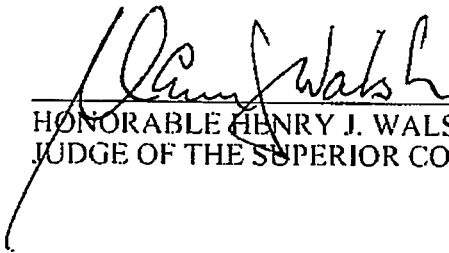
13 14. It is hereby ordered that Defendants shall deposit the Total Settlement Amount,
14 together with an amount sufficient to pay Employer Taxes, into a Qualified Settlement Fund
15 ("QSF") account established by the Settlement Administrator within thirty (30) calendar days after
16 the Effective Date; in accordance with the terms and methodology set forth in the Settlement
17 Agreement.

18 15. It is hereby ordered that the Settlement Administrator shall distribute (1) Individual
19 Settlement Payments to the Settlement Class Members; (2) the Court-approved Enhancement
20 Payments to Plaintiffs; (3) the Court-approved Attorneys' Fees and Costs to Class Counsel; (4) the
21 LWDA Payment to the LWDA; and (5) the Court-approved Settlement Administration Costs to
22 itself within seven (7) calendar days after Defendants fund the Total Settlement Amount,
23 according to the methodology and terms set forth in the Settlement Agreement.

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 Class
3 Action Administration Solutions' website for a period of at least sixty (60) calendar days after the
4 date of entry of this Final Approval Order and Judgment. Individualized notice is not required.
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6 Dated: April 4, 2022


HONORABLE HENRY J. WALSH
JUDGE OF THE SUPERIOR COURT

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