

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
f Schmidt@haineslawgroup.com
Andrew J. Rowbotham (SBN 301367)
arowbotham@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355
Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ADRIAN VIDES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CELOSEAL ROOFING, INC., a California
Corporation; and DOES 1 through 100,

Defendants.

CASE NO. 30-2020-01162478-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Randall J. Sherman]*

**[PROPOSED] JUDGMENT AND ORDER
GRANTING PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES AND
COSTS, AND CLASS REPRESENTATIVE
ENHANCEMENT PAYMENT**

Date: September 2, 2022
Time: 10:00 a.m.
Dept.: CX105

Action Filed: September 28, 2020
Trial Date: None Set

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1 **[PROPOSED] JUDGMENT AND ORDER**

2 Plaintiff Adrian Vides’ Motion for Final Approval of Class Action Settlement,
3 Attorneys’ Fees and Costs, and Class Representative Enhancement Payment came on regularly
4 for hearing before this Court on September 2, 2022, at 10:00 a.m., pursuant to California Rule
5 of Court 3.769 and this Court’s Order Granting Preliminary Approval of Class Action
6 Settlement (“Preliminary Approval Order”) (ROA#75). Having considered the Stipulation of
7 Settlement (“Settlement” or “Settlement Agreement”) previously attached as Exhibit 1 to the
8 Declaration of Fletcher W. Schmidt, submitted on September 9, 2021 (ROA#58), Plaintiff’s
9 Supplemental Briefing in Support of Final Approval, and all other documents and evidence
10 presented in support thereof, and recognizing the sharply disputed factual and legal issues
11 involved in this case, the risks of further prosecution, and the benefits to be received by the
12 Class Members pursuant to the Settlement, the Court hereby makes a final ruling that the
13 proposed Settlement is fair, reasonable, and adequate, and is the product of good faith, arms’-
14 length negotiations between the parties. Good cause appearing therefor, the Court hereby
15 GRANTS Plaintiff’s Motion for Final Approval of Class Action Settlement and HEREBY
16 ORDERS THE FOLLOWING:

17 1. Final judgment is hereby entered in conformity with the Settlement and this
18 Court’s Preliminary Approval Order.

19 2. The conditional class certification contained in the Preliminary Approval Order
20 is hereby made final, and the Court thus certifies, for purposes of the Settlement, the Settlement
21 Class defined as:

22 All current and former non-exempt employees who have worked for
23 Celoseal Roofing, Inc. (“Defendant”) in California at any time between
24 April 6, 2016, and November 5, 2021 (the “Class Period”), and who have
25 not signed a general release.

26 3. Plaintiff Adrian Vides is hereby confirmed as the Class Representative and
27 Fletcher W. Schmidt, Paul K. Haines, and Andrew Rowbotham of Haines Law Group, APC are
28 hereby confirmed as Class Counsel.

1 4. Notice was provided to the Class Members as set forth in the Settlement
2 Agreement, and was approved by the Court on November 5, 2021, and the notice process has
3 been completed in conformity with the Court’s Preliminary Approval Order. The Court finds
4 that such notice constituted reasonable notice under the circumstances, and constituted valid,
5 due, and sufficient notice to all Class Members. The Notice of Class Action Settlement provided
6 due and adequate notice of the proceedings and matters set forth therein, informed Class
7 Members of their rights, and fully satisfied the requirements of California Code of Civil
8 Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, the California and United
9 States Constitutions, and other applicable law.

10 5. The Court finds that no Class Member objected to the Settlement and only two
11 individuals (Fidel Alvarez and Travis Edey) requested to be excluded from the Settlement,
12 resulting in a 98.9% participation rate. The Court determines that this response supports final
13 approval.

14 6. The Court hereby approves the Settlement as set forth in the Settlement
15 Agreement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement
16 Agreement according to its terms.

17 7. For purposes of settlement only, the Court finds that: (a) the Class Members are
18 ascertainable and so numerous that joinder of all members is impracticable; (b) there are
19 questions of law or fact common to the Class Members, and there is a well-defined community
20 of interest among Class Members with respect to the subject matter of the litigation; (c) the
21 claims of the Class Representative are typical of the claims of the Class Members; (d) the Class
22 Representative has fairly and adequately protected the interests of the Class Members; (e) a
23 class action is superior to other available methods for an efficient adjudication of this
24 controversy; and (f) Class Counsel is qualified to serve as counsel for the Class Representative
25 and the Class Members.

26 8. The Court finds that given the absence of objections, and objections being a
27 prerequisite to appeal, this Order shall be considered final as of the Effective Date (which is
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1 defined in the Settlement Agreement as the date on which the Court grants final approval of the
2 Settlement).

3 9. As of the date that this Judgment becomes final, all Class Members (except Fidel
4 Alvarez and Travis Edey, who opted-out of the Settlement), release and discharge Defendant, its
5 past and present officers, directors, shareholders, managers, employees, agents, principals,
6 spouses, heirs, representatives, accountants, auditors, and consultants, and its respective
7 successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys
8 (collectively “Defendant’s Releasees”), from all claims, demands, rights, liabilities and causes
9 of action that were pled in the operative complaint in the class and representative lawsuit titled
10 *Adrian Vides v. Celoseal Roofing, Inc.*, Orange County Superior Court, Case No. 30-2020-
11 01162478-CU-OE-CXC (“the Action”), or which could have been pled in the operative
12 complaint in the Action based on the factual allegations therein, that arose during the Class
13 Period (collectively the “Released Claims”). The time period covered by this release is April 6,
14 2016 to November 5, 2021.

15 10. The Court orders Defendant to deposit the entire Maximum Settlement Amount
16 of \$265,000.00 with Phoenix Settlement Administrators (the “Settlement
17 Administrator”) within 30 calendar days of the date of this Order.

18 11. The Court finds that the payment to the State of California Labor and Workforce
19 Development Agency (“LWDA”) in the amount of \$37,500.00 for its 75% share of the civil
20 penalties allocated under the PAGA is fair, reasonable, and adequate, and orders the Settlement
21 Administrator to distribute this payment in conformity with the terms of the Settlement.

22 12. The Court finds that the Class Representative Enhancement Payment in the
23 amount of \$5,000.00 is appropriate in recognition of the risks Plaintiff undertook; for the
24 amount of time and effort spent by Plaintiff as the Class Representative; and the service
25 Plaintiff provided to the Class Members. The Court finds that this amount is fair, reasonable,
26 and adequate, and orders that the Settlement Administrator make this payment in conformity
27 with the terms of the Settlement.

1 13. The Court finds that attorneys’ fees in the total amount of \$88,333.33 and
2 litigation costs of \$8,326.70 for Class Counsel are fair, reasonable, and adequate. The Court
3 orders the Settlement Administrator to distribute these payments to Class Counsel in conformity
4 with the terms of the Settlement.

5 14. The Court orders that the Settlement Administrator shall be paid \$7,500.00 from
6 the Maximum Settlement Amount for all of its work done and to be done until the completion
7 of this matter and finds that sum appropriate.

8 15. The Court finds that the Individual Settlement Payments, as provided for in the
9 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
10 distribute these payments in conformity with the terms of the Settlement.

11 16. Pursuant to California Rule of Court 3.771(b), the Court orders that notice of this
12 Judgment be posted on a website hosted by the Settlement Administrator, and the URL to be
13 provided to Settlement Class Members with their Individual Settlement Payments.

14 17. Any funds from Individual Settlement Payment checks remaining uncashed after
15 the 180-day check-cashing deadline will be distributed to Community Legal Aid SoCal, a
16 501(c)(3) cy pres dedicated to providing legal services to the indigent population of Orange and
17 Southeast Los Angeles Counties.

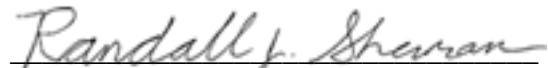
18 18. This document shall constitute a final judgment pursuant to California Rules of
19 Court, Rule 3.769(h), which provides, “If the court approves the settlement agreement after the
20 final approval hearing, the court must make and enter judgment. The judgment must include a
21 provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the
22 judgment. The court may not enter an order dismissing the action at the same time as, or after,
23 entry of judgment.” The Court will retain jurisdiction to enforce the Settlement, the Final
24 Approval Order, and this Judgment, pursuant to California Rules of Court, Rule 3.769(h), and
25 California Code of Civil Procedure § 664.6.

26 19. Plaintiff will submit to the Court a final report in the form of a declaration from
27 the Settlement Administrator on or before May 10, 2023, setting forth the total amount that was
28 paid to Class Members, the number and amount of any uncashed checks, confirming that

1 distribution efforts are fully completed, including the distribution of uncashed class member
2 checks the cy pres, that the Settlement Administrator's work is complete, and that the court's
3 file thus may be closed. Plaintiff must also submit an Amended Judgment stating how much
4 money is being paid to the cy pres, including any interest that accrued on the funds, and, if
5 known, the purpose of the distribution to the cy pres and how it plans to expend the funds. The
6 Court will hold a non-appearance case review on May 26, 2023 at 10:00 a.m., to review the
7 report and the Amended Judgment and determine if any further reports or hearings are
8 necessary.

9 **IT IS SO ORDERED.**

10 Dated: **September 7, 2022**


Honorable Randall J. Sherman
Judge of the Superior Court