

TN # 3780321

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JUN 14 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Attorneys for Plaintiffs, the Settlement
Class, and Aggrieved Employees

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

REGINA OROZCO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CASHCALL, INC., a California corporation;
LOANME, INC., a Nevada corporation; and
DOES 1 through 100,

Defendants.

Case No. 30-2017-00902026-CU-OE-CXC

CLASS ACTION

*[Assigned for all purposes to the Honorable
Glenda Sanders, Dept. CX-101]*

**AMENDED JUDGMENT AND ORDER
GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
REPRESENTATIVE INCENTIVE
PAYMENTS, AND ATTORNEYS' FEES
AND COSTS**

Date: April 19, 2019

Time: 1:30 p.m.

Dept.: CX-101

1 **ORDER**

2 The Motion of Plaintiffs Regina Orozco and Jessica Apac (“Plaintiffs”) for Final Approval
3 of Class Action Settlement, Class Representative Incentive Payments, and Attorneys’ Fees and
4 Costs (“Final Approval Motion”) came on regularly for hearing before this Court on April 19,
5 2019 at 1:30 p.m. Having considered the parties’ Settlement Agreement (“Settlement
6 Agreement” or “Settlement”) and the documents and evidence presented in support thereof, the
7 Court hereby GRANTS Plaintiffs’ Final Approval Motion and HEREBY ORDERS THE
8 FOLLOWING:

9 1. Final judgment is hereby entered in conformity with the Settlement and the Final
10 Approval Motion.

11 2. The conditional class certification is hereby made final, and the Court thus
12 certifies, for purposes of the Settlement, a Settlement Class consisting of: All current and former
13 non-exempt employees employed by Defendants CashCall, Inc. and LoanMe, Inc. in their
14 respective Servicing Departments in the State of California at any time from February 7, 2013
15 through January 31, 2018.

16 3. Plaintiffs Regina Orozco and Jessica Apac are hereby confirmed as Class
17 Representative. Paul K. Haines, Tuvia Korobkin, and Stacey M. Shim of Haines Law Group, APC
18 are hereby confirmed as Class Counsel.

19 4. Notice was provided to Settlement Class members as set forth in the Settlement
20 Agreement, which was approved by the Court on October 19, 2018, and the notice process has
21 been completed in conformity with the Settlement Agreement. The Court finds that said notice
22 was the best notice practicable under the circumstances. The Class Notice provided due and
23 adequate notice of the proceedings and matters set forth therein, informed Settlement Class
24 members of their rights, and fully satisfied the requirements of California Code of Civil Procedure
25 § 1781(e), California Rule of Court 3.769, and due process.

26 5. The Court finds that no Settlement Class members objected to the Settlement, that
27 no Settlement Class members opted out of the Settlement, and that the 100% participation rate in
28 the Settlement supports final approval.

1 6. The Court hereby approves the settlement as set forth in the Settlement Agreement
2 as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement
3 according to its terms.

4 7. For purposes of settlement only, the Court finds that: (a) the members of the
5 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
6 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
7 community of interest among members of the Settlement Class with respect to the subject matter
8 of the litigation; (c) the claims of the Class Representatives are typical of the claims of the
9 members of the Settlement Class; (d) the Class Representatives have fairly and adequately
10 protected the interests of the Settlement Class Members; (e) a class action is superior to other
11 available methods for an efficient adjudication of this controversy; and (f) Class Counsel are
12 qualified to serve as counsel for the Class Representatives and the Settlement Class.

13 8. The Court finds that given the absence of objections, and objections being a
14 prerequisite to appeal, this Order shall be considered final as of the date it is signed by this Court.

15 9. The Court orders that within 30 calendar days of entry of this Order, Defendants
16 shall deposit the Gross Fund Value into an account established by Phoenix Settlement
17 Administrators ("Settlement Administrator"), as provided for in the Settlement.

18 10. The Court finds that the Settlement Shares, as provided for in the Settlement, are
19 fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the individual
20 payments in conformity with the terms of the Settlement.

21 11. The Court finds that the payment to the State of California Labor and Workforce
22 Development Agency ("LWDA") in the amount of \$30,000.00 for its share of the settlement of
23 Plaintiffs' representative action under the California Labor Code Private Attorneys General Act
24 ("PAGA") is fair, reasonable and adequate, and orders the Settlement Administrator to distribute
25 this payment to the LWDA in conformity with the terms of the Settlement.

26 12. The Court finds that incentive payments in the amount of \$5,000.00 to each of the
27 Plaintiffs are appropriate for their risks undertaken and service to the Settlement Class. The Court
28

1 finds that these awards are fair, reasonable, and adequate, and orders that the Settlement
2 Administrator make these payments in conformity with the terms of the Settlement.

3 13. The Court finds that attorneys' fees in the amount of \$166,666.67, and actual
4 litigation costs of \$14,456.56 for Class Counsel, are fair, reasonable, and adequate, and orders
5 that the Settlement Administrator distribute these payments to Class Counsel in conformity with
6 the terms of the Settlement.

7 14. The Court orders that the Settlement Administrator shall be paid \$9,975.00 from
8 the Gross Fund Value for all of its work done and to be done until the completion of this matter,
9 and finds that sum appropriate.

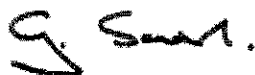
10 15. The Court orders that any funds from Settlement Share checks that remain
11 uncashed after the 180-day check-cashing deadline provided in the Settlement shall escheat to the
12 California State Controller to be deposited in the California Unclaimed Property Fund where they
13 may be claimed by the Settlement Class member(s) whose check(s) were not cashed.

14 16. This document shall constitute a final judgment pursuant to California Rule of
15 Court 3.769(h), which provides, "If the court approves the settlement agreement after the final
16 approval hearing, the court must make and enter judgment. The judgment must include a
17 provision for the retention of the court's jurisdiction over the parties to enforce the terms of the
18 judgment. The court may not enter an order dismissing the action at the same time as, or after,
19 entry of judgment." The Court will retain jurisdiction to enforce the Settlement, the Final
20 Approval Order, and this Judgment.

21 17. The Settlement Administrator shall make a final report of disbursement on or
22 before January 3, 2020

23
24 **IT IS SO ORDERED.**

25
26 **Date Judge Signed: June 14, 2019**

27 
28 _____
Honorable Glenda Sanders
Judge of the Superior Court