

1 **HAINES LAW GROUP, APC**
2 Paul K. Haines (SBN 248226)
3 phaines@haineslawgroup.com
4 Fletcher W. Schmidt (SBN 286462)
5 fschmidt@haineslawgroup.com
6 Andrew J. Rowbotham (SBN 301367)
7 arowbotham@haineslawgroup.com
8 Matthew K. Moen (SBN 305956)
9 mmoen@haineslawgroup.com
10 222 N. Sepulveda Blvd., Ste 1550
11 El Segundo, California 90245
12 Tel: (424) 292-2350
13 Fax: (424) 292-2355

14 James R. Hawkins, Esq. SBN 192925
15 Isandra Fernandez, Esq. SBN 220482
16 **JAMES HAWKINS APLC**
17 9880 Research Drive, Suite 200
18 Irvine, CA 92618
19 TEL: (949) 387-7200
20 FAX: (949) 387-6676

21 *Attorneys for Plaintiffs*

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

24 JERONIMO LUCANO, ROXANA M.
25 CUELLAR, and MARISOL E. ARGUETA, as
26 individuals on behalf of themselves and all
27 others similarly situated,

28 Plaintiffs,

vs.

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

Defendants.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 26 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: _____ DEPUTY

CASE NO. 30-2016-00885837-CU-OE-CXC

[Assigned for all purposes to the Hon. Peter
Wilson, Dept. CX102]

**REVISED [PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT,
ATTORNEYS' FEES AND COSTS, AND
CLASS REPRESENTATIVES
ENHANCEMENT PAYMENTS**

Date: June 27, 2019

Time: 2:00 p.m.

Dept.: CX102

Action Filed: November 8, 2016

Trial Date: None Set

1 said notice constituted reasonable notice under the circumstances, and constituted valid, due, and
2 sufficient notice to all Settlement Class Members. The Class Notice provided due and adequate
3 notice of the proceedings and matters set forth therein, informed Settlement Class Members of
4 their rights, and fully satisfied the requirements of California Code of Civil Procedure section
5 382, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
6 and other applicable law.

7 4. The Court finds that no Settlement Class Members objected to or requested
8 exclusion from the Settlement, and the 100% participation rate supports final approval.

9 5. The Court hereby approves the Settlement as set forth in the Settlement Agreement
10 as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement
11 according to its terms.

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

21 7. The Court finds that given the absence of objections, and objections being a
22 prerequisite to appeal, this Order shall be considered final as of the date of entry.

23 8. The Court orders that within fourteen (14) calendar days of this Order, Defendant
24 shall deposit the Maximum Settlement Amount (\$525,000.00) with Phoenix Settlement
25 Administrators ("Settlement Administrator"), as provided for in the Settlement.

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

1 10. The Court finds that the payment to the State of California Labor and Workforce
2 Development Agency (“LWDA”) in the amount of \$7,500.00 for its 75% share of the civil
3 penalties allocated under the Private Attorneys General Act (“PAGA”) is fair, reasonable, and
4 adequate, and orders the Settlement Administrator to distribute this payment in conformity with
5 the terms of the Settlement.

6 11. The Court finds that the Class Representatives Enhancement Payments in the
7 amount of \$4,000.00 each are appropriate in recognition of the risks Plaintiffs undertook; for the
8 amount of time and effort spent by Plaintiffs as the Class Representatives; for the general release
9 provided by Plaintiffs as part of the Settlement Agreement; and the service they provided to the
10 Settlement Class. The Court finds that these amounts are fair, reasonable, and adequate, and
11 orders that the Settlement Administrator make these payments in conformity with the terms of
12 the Settlement.

13 12. The Court finds that attorneys’ fees in the amount of \$175,000.00 and litigation costs
14 of \$19,917.61 for Class Counsel are fair, reasonable, and adequate, and orders that the Settlement
15 Administrator distribute these payments to Class Counsel in conformity with the terms of the
16 Settlement.

17 13. The Court orders that the Settlement Administrator shall be paid \$9,500.00 from the
18 Maximum Settlement Amount for all of its work done and to be done until the completion of this
19 matter, and finds that sum appropriate.

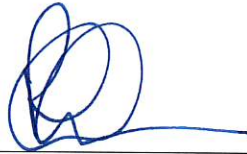
20 14. The Court orders that this Final Order and the Court’s Final Judgment shall be posted
21 to the Settlement Administrator’s static website. The Court finds that this method of notice to the
22 Settlement Class Members satisfies California Rule of Court 3.771(b).

23 15. A Final Accounting Status Conference will be held on February 21, 2020 at 2:00
24 p.m. in Department CX102 of the above-entitled Court. Plaintiffs shall prepare and submit a final
25 report regarding the status of the settlement administration, including all information necessary
26 for the Court to determine the total amount actually paid to the Class Members, by no later than
27 ten (10) days prior to the date of the Final Accounting Status Conference. Plaintiffs shall also
28 submit a [Proposed] Amended Judgment by no later than ten (10) days prior to the date of the

1 Final Accounting Status Conference, directing Defendant (or the settlement administrator on
2 Defendant's behalf) to pay the sum of the unpaid residue or unclaimed or abandoned Class
3 Member funds plus any interest that has accrued thereon as follows: 25% to the State Treasury
4 for deposit in the Trial Court Improvement and Modernization Fund, and 75% to the State
5 Treasury fund for deposit into the Equal Access Fund of the Judicial Branch.

6
7 **IT IS SO ORDERED.**

8 *July 26*
9 Dated: June , 2019



Honorable Peter Wilson
Judge of the Superior Court