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Superior Court of California
County of Los Angeles

JUL 27 2020

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CECILIA RODRIGUEZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

VIE DE FRANCE YAMAZAKI, INC., a
Virginia corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: 18STCV00117

[Assigned for All Purposes to Hon. Maren E.
Nelson, Dept. SSC-17]

[PROPOSED] FINAL JUDGMENT

Complaint Filed: October 9, 2018
Trial Date: None Set

1 This matter came on regularly for hearing before this Court on July 13, 2020, pursuant
2 to California Rule of Court 3.769 and this Court's November 5, 2019 Order Granting Preliminary
3 Approval of Class Action Settlement ("Preliminary Approval Order"). Having considered the
4 parties' Amended Stipulation of Settlement ("Settlement" or "Settlement Agreement")¹ and the
5 documents and evidence presented in support thereof, and the submissions of counsel, the Court
6 hereby ORDERS and enters JUDGMENT as follows:

7 1. Final judgment ("Judgment") in this matter is hereby entered in conformity with
8 the Settlement, the Preliminary Approval Order, and this Court's Order Granting Final Approval
9 of Class Action Settlement. The Settlement Class is defined as:

10 All current and former bakery, production, and administrative non-exempt
11 employees who worked for Defendant Vie de France Yamazaki, Inc. in
12 California at any time from October 9, 2014 through November 5, 2019.

12 2. Plaintiff Cecilia Rodriguez is hereby confirmed as Class Representative, and
13 Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul K. Haines
14 of Haines Law Group, APC are hereby confirmed as Class Counsel.

15 3. Notice was provided to the Settlement Class as set forth in the Settlement. The
16 form and manner of notice were approved by the Court on November 5, 2019, and the notice
17 process has been completed in conformity with the Court's Order. The Court finds that said
18 notice was the best notice practicable under the circumstances. The Class Notice provided due
19 and adequate notice of the proceedings and matters set forth therein, informed Settlement Class
20 members of their rights, and fully satisfied the requirements of California Code of Civil
21 Procedure § 1781(e), California Rule of Court 3.769, and due process.

22 4. The Court finds that no Settlement Class member objected to the Settlement, no
23 Settlement class member has opted out of the Settlement, and that the 100% participation rate in
24 the Settlement supports final approval.
25

26
27 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that
28 assigned to them in the Settlement.

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

4 6. 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 individually is
6 impracticable; (b) there are questions of law or fact common to the Settlement Class, and there
7 is a well-defined community of interest among members of the Settlement Class with respect to
8 the subject matter of the litigation; (c) the claims of the Class Representative are typical of the
9 claims of the members of the Settlement Class; (d) the Class Representative has fairly and
10 adequately protected the interests of the Settlement Class members; (e) a class action is superior
11 to other available methods for an efficient adjudication of this controversy; and (f) Class Counsel
12 are qualified to serve as counsel for the Class Representative and the Settlement Class.

13 7. The Court orders that Vie de France Yamazaki, Inc. deliver the total amount of
14 \$700,000 to Phoenix Settlement Administrators, the Claims Administrator, within thirty (30)
15 calendar days of the entry of this Judgment.

16 8. The Court finds that the settlement payments, as provided for in the Settlement,
17 are fair, reasonable, and adequate, and orders the Claims Administrator to distribute the
18 individual payments in conformity with the terms of the Settlement.

19 9. The Court finds that a service award in the amount of \$5,000.00 for Plaintiff
20 Cecilia Rodriguez is appropriate for her risks undertaken and service to the Settlement Class.
21 The Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement
22 Administrator make this payment in conformity with the terms of the Settlement.

23 10. The Court finds that attorneys' fees in the amount of \$233,333.33, and actual
24 litigation costs of \$22,330.97 for Class Counsel, are fair, reasonable, and adequate, and orders
25 that the Settlement Administrator distribute these payments to Class Counsel in conformity with
26 the terms of the Settlement.

1 11. The Court orders that the Claims Administrator shall be paid \$9,500.00 from the
2 Gross Settlement Amount for all of its work done and to be done until the completion of this
3 matter, and finds that sum appropriate.

4 12. The Court finds that the payment to the California Labor & Workforce
5 Development Agency ("LWDA") in the amount of \$15,000.00 for its share of the settlement of
6 Plaintiff's representative action under the California Labor Code Private Attorneys General Act
7 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
8 this payment to the LWDA in conformity with the terms of the Settlement.

9 13. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for
10 the portion of the Gross Settlement Amount allocated to wages shall be paid by Vie de France
11 Yamazaki, Inc. separately, and in addition to, the Gross Settlement Amount.

12 14. The Court finds and determines that upon satisfaction of all obligations under the
13 Settlement and this Order, all Settlement Class Members will be bound by the Settlement, will
14 have released the Released Claims as set forth in the Settlement, and will be permanently barred
15 from prosecuting against Vie de France Yamazaki, Inc. any of the Released Claims pursuant to
16 the Settlement.

17 Upon satisfaction of all obligations under the Settlement and the Final Approval Order, by
18 virtue of this Judgment, Plaintiff and every member of the Settlement Class will fully release and
19 discharge Defendant, and all of its past and present officers, directors, shareholders, employees,
20 agents, principals, heirs, representatives, accountants, auditors, consultants and its/their respective
21 successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys (collectively
22 the "Released Parties") from all claims, demands, rights, liabilities and causes of action that are
23 pled in the Action, or which could have been pled in the Action, based on the factual allegations
24 therein, that arose during the Class Period ("Released Claims") including claims for wages,
25 damages, unpaid costs, penalties, liquidated damages, benefits, fringe benefits, interests attorneys'
26 fees, litigation costs, restitution or equitable relief with respect to the following claims: (a) failure
27 to pay all overtime wages; (b) failure to pay all minimum wages; (c) failure to provide proper meal
28

1 periods; (d) failure to provide accurate wage statements; (e) failure to pay all wages upon
2 termination of employment; (f) all claims for unfair business practices that could have been
3 premised on the facts, claims, causes of action or legal theories described above; and (g) a claim
4 under the California Labor Code Private Attorneys General Act of 2004 that could have been
5 premised on the facts, claims, causes of action or legal theories described above.

6 15. In light of her Class Representative Service Award and other consideration given,
7 Plaintiff Cecilia Rodriguez has agreed to release, in addition to the Released Claims described
8 above, all claims, whether known or unknown under federal, state or local law against the
9 Released Parties. The Parties understand and agree that Plaintiff Cecilia Rodriguez is not, by
10 way of this release, releasing any workers' compensation claims nor any other claims which
11 cannot be released as a matter of law. Notwithstanding the foregoing, Plaintiff Cecilia Rodriguez
12 understands that this release includes unknown claims and that she is, as a result, waiving all
13 rights and benefits afforded by Section 1542 of the California Civil Code which provides:

14 **A general release does not extend to claims which the creditor or releasing party**
15 **does not know or suspect to exist in his or her favor at the time of executing the**
16 **release and that, if known by him or her, would have materially affected his or her**
17 **settlement with the debtor or released party.**

18 16. The releases identified herein shall be null and void should the Settlement not be
19 fully funded.

20 17. This document shall constitute a final judgment pursuant to California Rule of
21 Court 3.769(h), which provides, "If the court approves the settlement agreement after the final
22 approval hearing, the court must make and enter judgment. The judgment must include a
23 provision for the retention of the court's jurisdiction over the parties to enforce the terms of the
24 judgment. The court may not enter an order dismissing the action at the same time as, or after,
25 entry of judgment."


26 //

1 18. The Court will retain jurisdiction to enforce the Settlement, the Final Approval
2 Order, and this Judgment.

3 19. A Non-Appearance Case Review re: Final Report re; Distribution of Settlement
4 Funds is set for April 12, 2021 at 8:30 a.m. The Final Report is to be filed by no later than April
5 5, 2021.

6 **JUDGMENT IS SO ENTERED.**

7
8 Dated: 4/28, 2020


Honorable Maren E. Nelson
Judge of the Superior Court