

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Finley vs. Portermatt Electric, Inc.**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE****CASE NUMBER:**
30-2018-01038088-CU-OE-CXC

I certify that I am not a party to this cause. I certify that the following document(s), Order Granting Final Approval of Class Action Settlement and Judgment dated 12/10/20, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on December 15, 2020, at 10:20:59 AM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

12 CHARLES FINLEY; CHRIS MILLS,
13 individually, and on behalf of all others similarly
situated,

14 Plaintiffs,

15 v.

16 PORTERMATT ELECTRIC, INC., a
17 corporation; JOHN F. PORTER, III, an
individual; TIM MATTHEWS, an individual;
18 and DOES 1 through 50, inclusive.

19 Defendants

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC 10 2020

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Case No.: 30-2018-01038088-CU-OE-CXC

CLASS ACTION

[Hon. Peter Wilson, Dept. CX102]

**ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AND
JUDGMENT**

FINAL APPROVAL HEARING

Date: November 19, 2020

Time: 2:00 p.m.

Dept. CX102

1 This matter coming before the Court on Plaintiffs' Motion for Final Approval of Class
2 Action Settlement (the "Final Approval Motion"), and after review and consideration of the
3 parties' fully-executed Joint Stipulation for Class Action Settlement ("Settlement"), the papers
4 in support of the Final Approval Motion, Plaintiffs Motion for Attorneys' Fees and Costs.
5 Due and adequate notice having been given to the Class, and the Court having reviewed and
6 considered the Settlement, all papers filed, the record, proceedings in the above-entitled action
7 ("Litigation" or "Action", and all oral and written comments received regarding the
8 Settlement, and good cause appearing therefor,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

10 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
11 Settlement filed in this case.

12 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiffs, the
13 Settlement Class Members, and Defendants Portermatt Electric, Inc., John F. Porter, III, and Tim
14 Matthews ("Defendant").

15 3. The Court finds that the Settlement appears to have been made and entered into in
16 good faith and hereby approves the settlement subject to the limitations on the requested fees and
17 enhancements as set forth below.

18 4. Plaintiffs and all Settlement Class Members, ("Participating Class Members"),
19 shall have, by operation of this Final Order and Judgment, fully, finally, and forever released,
20 relinquished, and discharged Defendants from all Released Claims as defined in the Settlement.

21 5. The Parties shall bear their own respective attorneys' fees and costs, except as
22 otherwise provided for in the Settlement and approved by the Court.

23 6. Solely for purposes of effectuating the settlement, the Court finally certified the
24 following Class: "all persons who worked for Portermatt Electric, Inc. in California as non-
25 exempt employee at any time during the Settlement Class Period."

26 7. The Settlement Period is June 2, 2014 through November 2, 2019.

27 8. No Class Members have objected to the terms of the Settlement.
28

1 9. There are five Class Members who have requested exclusion from the Settlement:
2 Brad Biarnesen, Bryce Biarnesen, Joe Anthony Lopez, Christopher Howard Olson, and Frank
3 Rubio.

4 10. The Notice provided to the Class conforms with the requirements of California
5 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the
6 circumstances, by providing individual notice to all Class Members who could be identified
7 through reasonable effort, and by providing due and adequate notice of the proceedings and of
8 the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of
9 due process.

10 11. The Court finds the Total Settlement Amount, the Net Settlement Amount, and the
11 methodology used to calculate and pay each Participating Class Member's Individual Settlement
12 Payment are fair and reasonable, and authorizes the Settlement Administrator to pay the
13 Individual Settlement Payments to the Participating Class Members in accordance with the terms
14 of the Stipulation and Amendment.

15 12. Defendants shall pay the total of \$325,000.00 to resolve this litigation. Within
16 twenty-one calendar days from the date of this Order, Defendants shall deposit this amount and
17 employer taxes into an interest-bearing trust account for the benefit of the participating Class
18 Members and Class Counsel, through the Settlement Administrator. Thereafter, compensation to
19 the Participating Class Members shall be disbursed pursuant to the terms of the Settlement (i.e.,
20 within ten calendar days following the receipt of funds). (Settlement, § 7.4)

21 (a) From the Total Settlement Amount; \$7,500.00 shall be paid to the
22 California Labor and Workforce Development Agency, representing 75%
23 of the penalties awarded under the terms of the Joint Stipulation and
24 Amendment pursuant to the Labor Code Private Attorneys General Act of
25 2004, California Labor Code section 2698, et seq.

26 (b) From the Total Settlement Amount, \$5,000.00 shall be paid to named
27 Plaintiffs Charles Finley and Chris Mills (\$2,500.00 to each), for their
28 service as class representatives and for their agreement to release claims.

1 (c) From the Total Settlement Amount, \$12,500.00 shall be paid to the
2 settlement administrator, Phoenix Settlement Administrators.

3 13. The Court hereby confirms Bobby Saadian, Justin F. Marquez, and Nicol Hajjar of
4 Wilshire Law Firm, PLC as Class Counsel.

5 14. From the Total Settlement Amount, Class Counsel is awarded \$108,333.33 for
6 their reasonable attorneys' fees and \$12,865.03 for their reasonable costs incurred in the Action.
7 The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court
8 finds that the fees are reasonable in light of the benefit provided to the Class.

9 15. Notice of entry of this Final Approval Order and Judgment shall be given to Class
10 Members by posting a copy of the Final Approval Order and Judgment on Phoenix Settlement
11 Administrator's website for a period of at least sixty (60) calendar days after the date of entry of
12 this Final Approval Order and Judgment.

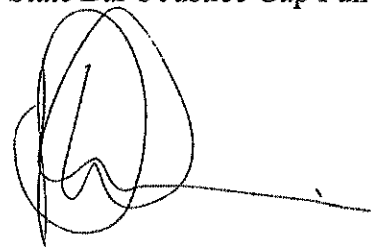
13 16. Without affecting the finality of this Final Judgment in any way, this Court retains
14 continuing jurisdiction over the implementation, interpretation, and enforcement of the
15 Settlement with respect to all Parties to this action, and their counsel of record.

16 17. Plaintiffs' Motion for Final Approval of Class Action Settlement is hereby granted
17 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

18 18. The Court sets Non-Appearance Case Management Review Re: Final Distribution
19 on Friday, July 23, 2021 at 9:00 a.m. Counsel shall submit a final report at least 10 days prior to
20 that hearing regarding the status of the settlement administration in the proposed order. The final
21 report must include all information necessary for the Court to determine the total amount actually
22 paid to class members and any amounts tendered to the State Bar's Justice Gap Fund.

23 **IT IS SO ORDERED.**

24
25
26 DATE: **December 10, 2020**



27 Hon. Peter Wilson
28 Judge of the Orange County Superior Court