

ORIGINAL

1 Edwin Aiwarzian (SBN 232943)
Arby Aiwarzian (SBN 269827)
2 Joanna Ghosh (SBN 272479)
3 **LAWYERS for JUSTICE, PC**
410 West Arden Avenue, Suite 203
Glendale, California 91203
4 Tel: (818) 265-1020 / Fax: (818) 265-1021

5 *Attorneys for Plaintiffs and the Class*

FILED
Superior Court of California
County of Los Angeles
MAR 09 2021
Cherri R. Carter, Executive Officer/Clerk of Court
By [Signature] Deputy
Edwin Lin

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

10 CINDY ARAICA, individually, and on behalf
11 of other members of the general public
12 similarly situated; KEVIN ESTRADA,
13 individually, and on behalf of other members
14 of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

15 Plaintiffs,

16 vs.

17 DIGITAL ROOM INC., a California
18 corporation; DIGITAL ROOM LLC, a
19 California limited liability company; AMC
ACQUISITION LLC, an unknown business
entity; and DOES 2 through 100, inclusive,

20 Defendants.

Case No.: BC680445

Honorable William Highberger
Department SSC10

CLASS ACTION

**[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT**

Date: March 9, 2021
Time: 11:00 a.m.
Department: SSC10

Complaint Filed: October 19, 2017
FAC Filed: January 10, 2020
SAC Filed: November 3, 2020
Trial Date: None Set

RECEIVED
LOS ANGELES SUPERIOR COURT
FEB 11 2021
S. DREW

1 This matter has come before the Honorable William Highberger in Department SSC10 of
2 the above-entitled Court, located at 312 North Spring Street, Los Angeles, California 90012, on
3 Plaintiffs Cindy Araica and Kevin Estrada's (together, "Plaintiffs") Motion for Final Approval of
4 Class Action Settlement, Attorneys' Fees, Costs, and Service Awards ("Motion for Final
5 Approval"). Lawyers for Justice, PC appeared on behalf of Plaintiffs, and Torabian Law, P.C. and
6 Akerman LLP appeared on behalf of Defendants Digital Room, LLC and AMC Acquisition LLC
7 ("Defendants").

8 On November 3, 2020, the Court entered the Order Granting Preliminary Approval of Class
9 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
10 of the above-entitled action ("Action") in accordance with the Joint Stipulation of Class Action
11 and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"), which, together
12 with the exhibits annexed thereto, set forth the terms and conditions for settlement of the Action.

13 Having reviewed the Settlement Agreement and duly considered the parties' papers and
14 oral argument, and good cause appearing,

15 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

16 1. All terms used herein shall have the same meaning as defined in the Settlement
17 Agreement and the Preliminary Approval Order.

18 2. This Court has jurisdiction over the claims of the Class Members asserted in this
19 proceeding and over all parties to the Action.

20 3. The Court finds that the applicable requirements of California Code of Civil
21 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect
22 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification
23 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is
24 hereby defined to include:

25 Any and all current and former non-exempt employees who worked for any of
26 Defendants, including Digital Room Inc., in the State of California at any time
27 during the time period from October 19, 2013 to November 3, 2020 ("Class" or
"Class Members").

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1 4. The Notice of Class Action Settlement (“Class Notice”) that was provided to the
2 Class Members, fully and accurately informed the Class Members of all material elements of the
3 Settlement and of their opportunity to participate in, object to or comment thereon, or to seek
4 exclusion from, the Settlement; was the best notice practicable under the circumstances; was valid,
5 due, and sufficient notice to all Class Members; and complied fully with the laws of the State of
6 California, the United States Constitution, due process and other applicable law. The Class Notice
7 fairly and adequately described the Settlement and provided the Class Members with adequate
8 instructions and a variety of means to obtain additional information.

9 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
10 and finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More
11 specifically, the Court finds that the Settlement was reached following meaningful discovery and
12 investigation conducted by Lawyers *for* Justice, PC (“Class Counsel”); that the Settlement is the
13 result of serious, informed, adversarial, and arms-length negotiations between the parties; and that
14 the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the
15 Court has considered all of the evidence presented, including evidence regarding the strength of
16 Plaintiffs’ claims; the risk, expense, and complexity of the claims presented; the likely duration of
17 further litigation; the amount offered in the Settlement; the extent of investigation and discovery
18 completed; and the experience and views of Class Counsel. The Court has further considered the
19 absence of objections to and requests for exclusion from the Settlement submitted by Class
20 Members. Accordingly, the Court hereby directs that the Settlement be affected in accordance
21 with the Settlement Agreement and the following terms and conditions.

22 6. A full opportunity has been afforded to the Class Members to participate in the
23 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
24 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
25 the Settlement. Accordingly, the Court determines that all Class Members who did not opt out of
26 the Settlement by submitting a timely and valid request to be excluded from the Settlement
27 (“Participating Class Member”) are bound by this Final Approval Order and Judgment.

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1 7. The Court finds that payment of Settlement Administration Costs in the amount of
2 \$10,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
3 notice and settlement administration process. It is hereby ordered that the Settlement
4 Administrator, Phoenix Class Action Administrators, shall issue payment to itself in the amount
5 of \$10,000.00, in accordance with the terms and methodology set forth in Settlement Agreement.

6 8. The Court finds that the Service Awards sought are fair and reasonable for the work
7 performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Settlement
8 Administrator issue payment in the amount of \$7,500.00 each to Plaintiffs Cindy Araica and Kevin
9 Estrada for their Service Awards, according to the terms and methodology set forth in the
10 Settlement Agreement.

11 9. The Court finds that the allocation of \$200,000.00 toward penalties under the
12 California Private Attorneys General Act of 2004 ("PAGA Payment"), is fair, reasonable, and
13 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
14 Payment as follows: the amount of \$150,000.00 to the California Labor and Workforce
15 Development Agency, and the amount of \$50,000.00 to be included in the Net Settlement Amount
16 for distribution to Participating Class Members, according to the terms and methodology set forth
17 in the Settlement Agreement.

18 10. The Court finds that the request for the Attorneys' Fees Award in the amount of
19 \$595,000.00 to Class Counsel falls within the range of reasonableness, and the results achieved
20 justify the award sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and
21 appropriate, and are hereby approved. It is hereby ordered that the Settlement Administrator issue
22 payment in the amount of \$595,000.00 to Class Counsel for the Attorneys' Fees Award, in
23 accordance with the terms and methodology set forth in the Settlement Agreement.

24 11. The Court finds that litigation costs and expenses in the amount of \$25,000.00 to
25 Class Counsel is reasonable, and hereby approved. It is hereby ordered that the Settlement
26 Administrator issue payment in the amount of \$25,000.00 to Class Counsel for reimbursement of
27 litigation costs and expenses, in accordance with the terms and methodology set forth in the
28 Settlement Agreement.

1 12. The Court hereby enters Judgment by which Participating Class Member shall be
2 conclusively determined to have given a release of any and all Released Claims against the
3 Released Parties, as set forth in the Settlement Agreement and Class Notice.

4 13. It is hereby ordered that Defendants shall provide to the Settlement Administrator
5 the full amount of the Gross Settlement Amount and the employer's share of taxes to fully fund
6 the Settlement, within fifteen (15) business days after the Effective Date, in accordance with the
7 terms and methodology set forth in the Settlement Agreement.

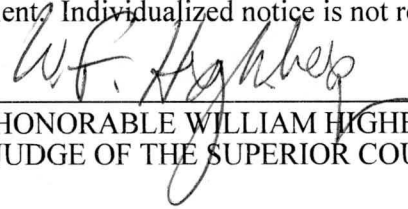
8 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
9 Settlement Payments to the Participating Class Members within fourteen (14) calendar days after
10 Defendants fund the Gross Settlement Amount, according to the methodology and terms set forth
11 in the Settlement Agreement.

12 15. After entry of this Final Approval Order and Judgment, pursuant to California Rules
13 of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and
14 enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and
15 resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate
16 any dispute arising from or in connection with the distribution of settlement benefits.

17 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
18 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix Class
19 Action Administrators' website for a period of at least sixty (60) calendar days after the date of
20 entry of this Final Approval Order and Judgment. Individualized notice is not required.

21 Dated: _____

3/9/2021

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HONORABLE WILLIAM HIGHBERGER
JUDGE OF THE SUPERIOR COURT