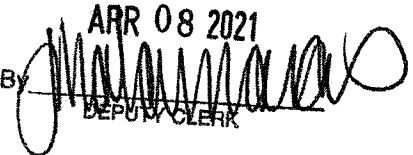


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FILED/ENDORSED
Clerk of the Superior Court
APR 08 2021
By 
DEPUTY CLERK

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

DANTE ROSS, individually, and on behalf of
other members of the general public similarly
situated and on behalf of other aggrieved
employees pursuant to the California Private
Attorneys General Act;

Plaintiff,

vs.

VALLEY FINE FOODS COMPANY, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: FCS052196

Honorable Bradley E. Nelson
Department 4

CLASS ACTION

**~~PROPOSED~~ FINAL APPROVAL
ORDER AND JUDGMENT**

Date: April 6, 2021
Time: 9:00 a.m.
Department: 4

Complaint Filed: January 22, 2019
FAC Filed: December 14, 2020
Trial Date: None Set

[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT

of date

1 This matter has come before the Honorable Bradley E. Nelson in Department 4 of the
2 above-entitled Court, located at Hall of Justice, 600 Union Avenue, Fairfield, California 94533,
3 on Plaintiff Dante Ross's ("Plaintiff") Motion for Final Approval of Class Action Settlement,
4 Attorneys' Fees, Costs, and Enhancement Payment ("Motion for Final Approval"). Lawyers for
5 Justice, PC appeared on behalf of Plaintiff, and CDF Labor Law LLP appeared on behalf of
6 Defendant Valley Fine Foods Company, Inc. ("Defendant").

7 On December 10, 2020, the Court entered the Order Granting Preliminary Approval of
8 Class Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the
9 settlement of the above-entitled action ("Action") in accordance with the Joint Stipulation of Class
10 Action and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"), which,
11 together with the exhibits annexed thereto, set forth the terms and conditions for settlement of the
12 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 All current and former hourly-paid or non-exempt employees who worked for
26 Defendant in California at any time from January 22, 2015 through August 31, 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 Plaintiff's 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 the Settlement submitted by Class Members. Accordingly, the Court
20 hereby directs that the Settlement be affected in accordance with the Settlement Agreement and
21 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 submit a
26 timely and valid request to be excluded from the Settlement ("Settlement Class Member") are
27 bound by this Final Approval Order and Judgment.

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1 7. The Court finds that Class Member, Daniel Lopes, has timely and validly opted out
2 of the Settlement and will not be bound by this Final Approval Order and Judgment.

3 8. The Court finds that payment of Settlement Administration Costs in the amount of
4 \$13,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
5 notice and settlement administration process. It is hereby ordered that the Settlement
6 Administrator, Phoenix Class Action Administration Solutions, shall issue payment to itself in the
7 amount of \$13,000.00, in accordance with the terms and methodology set forth in Settlement
8 Agreement.

9 9. The Court finds that the Enhancement Payment sought is fair and reasonable for
10 the work performed by Plaintiff on behalf of the Class. It is hereby ordered that the Settlement
11 Administrator issue payment in the amount of \$9,500.00 to Plaintiff Dante Ross for his
12 Enhancement Payment, according to the terms and methodology set forth in the Settlement
13 Agreement.

14 10. The Court finds that the allocation of \$66,666.67 toward penalties under the
15 California Private Attorneys General Act of 2004 ("PAGA Penalties"), is fair, reasonable, and
16 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
17 Penalties as follows: the amount of \$50,000.00 to the California Labor and Workforce
18 Development Agency, and the amount of \$16,666.67 to be included in the Net Settlement Amount
19 for distribution to Settlement Class Members, according to the terms and methodology set forth in
20 the Settlement Agreement.

21 11. The Court finds that the request for attorneys' fees in the amount of \$342,000.00 to
22 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
23 sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and
24 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the
25 amount of \$342,000.00 to Class Counsel for attorneys' fees, in accordance with the terms and
26 methodology set forth in the Settlement Agreement.

27 12. The Court finds that reimbursement of litigation costs and expenses in the amount
28 of \$26,703.47 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the

1 Settlement Administrator issue payment in the amount of \$26,703.47 to Class Counsel for
2 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
3 forth in the Settlement Agreement.

4 13. The Court hereby enters Judgment by which Settlement Class Members shall be
5 conclusively determined to have given a release of any and all Released Claims against the
6 Released Parties, as set forth in the Settlement Agreement and Class Notice.


7 14. It is hereby ordered that Defendant shall fund the Maximum Settlement Amount,
8 together with an amount sufficient to cover the Employer Taxes, into a settlement account to be
9 established by the Settlement Administrator, within sixty (60) calendar days of the Effective Date,
10 or by June 17, 2021, whichever is later, in accordance with the terms and methodology set forth in
11 the Settlement Agreement.

12 15. It is hereby ordered that the Settlement Administrator shall distribute Individual
13 Settlement Payments to the Settlement Class Members within fifteen (15) calendar days after
14 Defendant funds the Maximum Settlement Amount, according to the methodology and terms set
15 forth in the Settlement Agreement.

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

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

25
26 Dated: 4/6/2021


HONORABLE BRADLEY E. NELSON
JUDGE OF THE SUPERIOR COURT