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FILED
San Francisco County Superior Court

JUL 13 2021

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

Attorneys for Plaintiffs and the Settlement Class Members

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN FRANCISCO**

9 NEQUASHA POTTS individually, and on
10 behalf of other members of the general public
11 similarly situated; MARQUIS BERRY,
12 individually, and on behalf of other members
13 of the general public similarly situated;
14 TATIANA BENJAMIN individually, and on
15 behalf of members of the general public
16 similarly situated and on behalf of other
17 aggrieved employees pursuant to the
18 California Private Attorneys General Act.

Plaintiffs,

vs.

19 DOLLS KILL, INC., an unknown business
20 entity; TRINET GROUP, INC., an unknown
21 business entity; and DOES 1 through 100,
22 inclusive,

Defendants.

Case No.: CGC19580228

Honorable Ethan P. Schulman
Department 302

CLASS ACTION

~~[REVISED PROPOSED]~~ FINAL
APPROVAL ORDER AND JUDGMENT

Date: July 13, 2021
Time: 9:30 a.m.
Department: 302

Complaint Filed: October 23, 2019
FAC Filed: February 22, 2021
Trial Date: None Set

1 This matter has come before the Honorable Ethan P. Schulman in Department 302 of the
2 above-entitled Court, located at San Francisco County Superior Court, 400 McAllister Street, San
3 Francisco, California 94102, on Plaintiffs Nequasha Potts, Marquis Berry, and Tatiana Benjamin's
4 (together, "Plaintiffs") Motion for Final Approval of Class Action Settlement, Attorneys' Fees,
5 Costs, and Enhancement Payments ("Motion for Final Approval"). Joanna Ghosh of Lawyers for
6 Justice, PC appeared on behalf of Plaintiffs Nequasha Potts, Marquis Berry, and Tatiana Benjamin
7 and the Settlement Class, Boris Sorsher of Fisher & Phillips LLP appeared on behalf of Defendants
8 Dolls Kill, Inc. and Trinet HR III-A, Inc. ("Defendants"), and Roy K. Suh of The Kick Law Firm,
9 APC appeared on behalf of non-party class member Punipua Curbelo.

10 On February 22, 2021, the Court entered the Order Granting Preliminary Approval of Class
11 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
12 of the above-entitled action ("Action") in accordance with the Joint Stipulation of Class and PAGA
13 Settlement and Amendment No. 1 to Stipulation of Class and PAGA Settlement (together,
14 "Settlement," "Agreement," or "Settlement Agreement"), which, together with the exhibits
15 annexed thereto, set forth the terms and conditions for settlement of the Action.

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

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

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

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

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

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1 All current and former hourly-paid or non-exempt employees who were employed
2 by Dolls Kill, Inc. within the State of California during the time period from
3 October 23, 2015 to October 1, 2020. ("Settlement Class" or "Settlement Class
4 Members").

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

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

28 6. A full opportunity has been afforded to the Settlement Class Members to participate
in the Final Approval Hearing, and all Settlement Class Members and other persons wishing to be
heard have been heard. The Settlement Class Members also have had a full and fair opportunity

1 to exclude themselves from the Settlement. Accordingly, the Court determines that all Settlement
2 Class Members who did not timely and validly opt out of the Settlement (“Participating Class
3 Members”) are bound by this Final Approval Order and Judgment.

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

9 8. The Court finds that the Enhancement Payments sought are fair and reasonable for
10 the work performed by Plaintiffs on behalf of the Settlement Class Members. It is hereby ordered
11 that the Settlement Administrator issue payment in the amount of \$5,000.00 each to Plaintiffs
12 Nequasha Potts, Marquis Berry, and Tatiana Benjamin for their Enhancement Payments, according
13 to the terms and methodology set forth in the Settlement Agreement.

14 9. The Court finds that the allocation of \$75,000.00 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 \$56,250.00 to the California Labor and Workforce
18 Development Agency, and the amount of \$18,750.00 to be included in the Net Settlement Amount
19 for distribution to Participating Class Members, according to the terms and methodology set forth
20 in the Settlement Agreement.

21 10. The Court finds that the request for attorneys’ fees in the amount of \$140,000.00 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 \$140,000.00 to Class Counsel for attorneys’ fees, in accordance with the terms and
26 methodology set forth in the Settlement Agreement.

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1 11. The Court finds that reimbursement of litigation costs and expenses in the amount
 2 of \$15,000.00 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
 3 Settlement Administrator issue payment in the amount of \$15,000.00 to Class Counsel for
 4 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
 5 forth in the Settlement Agreement.


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

9 13. It is hereby ordered that Defendants shall deposit the Gross Settlement Amount into
 10 an account established by the Settlement Administrator within fifteen (15) business days of the
 11 Effective Date, in accordance with the terms and methodology set forth in the Settlement
 12 Agreement.

13 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
 14 Settlement Payments to the Participating Class Members within thirty (30) business days of the
 15 Effective Date, according to the methodology and terms set forth in the Settlement Agreement.

16 15. 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 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
 22 Settlement Class Members by posting a copy of the Final Approval Order and Judgment on
 23 Phoenix Settlement Administrators' website for a period of at least sixty (60) calendar days after
 24 the date of entry of this Final Approval Order and Judgment. Individualized notice is not required.

25
 26 Dated: July 13, 2021 
 27 HONORABLE JUDGE OF THE SUPERIOR COURT
 28 ETHAN P. SCHULMAN