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**FILED**  
Superior Court of California  
County of Los Angeles  
11/01/2021  
Sherri R. Carter, Executive Officer / Clerk of Court  
By:           M. Cervantes           Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

12 VICTOR ALBERTO PINEDA LOPEZ aka  
13 CARLOS FLORES, *et al.*,

14 *Plaintiffs,*

15 vs.

16 PRIME WHEEL CORPORATION, *et al.*,

17 *Defendants.*

Case No.: 19STCV37878

Hon. David S. Cunningham – Dept. SSC-11

CLASS ACTION

**~~AMENDED PROPOSED~~ ORDER  
GRANTING FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: October 27, 2021  
Time: 11:00 a.m.  
Courtroom: SSC-11  
Judge: Hon. David S. Cunningham

Action Filed: October 23, 2019  
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs Ma Maribel Hernandez (wife of deceased Filing Plaintiff Victor Alberto Pineda Lopez  
3 [aka Carlos Flores]), Ricardo Fajardo, and Jose Acosta (“Plaintiffs”) and Defendant Prime Wheel  
4 Corporation (“Defendant”) have reached terms of settlement for a putative class action.

5 Plaintiffs have filed a motion for preliminary approval of a class action settlement of the claims  
6 asserted against Defendant in this action, memorialized in the AMENDED JOINT STIPULATION OF  
7 CLASS ACTION SETTLEMENT (*see* Declaration of H. Scott Leviant In Support of Plaintiffs’ Motion  
8 for Final Approval of Class Action Settlement [“Leviant Decl.”], at Exh. 1). The AMENDED JOINT  
9 STIPULATION OF CLASS ACTION SETTLEMENT is referred to herein as the “Agreement” or  
10 “Settlement.”

11 After reviewing the Agreement, the Notice process, and other related documents, and having  
12 heard the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

13 1. The Court finds that the terms of the proposed class action Settlement are fair,  
14 reasonable, and adequate, pursuant to California Code of Civil Procedure § 382. In granting  
15 preliminary approval of the class action settlement the Court has considered the factors identified in  
16 *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer,*  
17 *Inc.*, 91 Cal. App. 4th 224 (2001) and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

18 2. The Court finds that the Settlement has been reached as a result of intensive, serious and  
19 non-collusive arms-length negotiations. The Court further finds that the parties have conducted  
20 thorough investigation and research, and the attorneys for the parties are able to reasonably evaluate  
21 their respective positions. The Court also finds that settlement at this time will avoid additional  
22 substantial costs, as well as avoid the delay and risks that would be presented by the further prosecution  
23 of the action. The Court finds that the risks of further prosecution are substantial.

24 3. The parties’ Settlement is granted final approval as it meets the criteria for final  
25 settlement approval. The settlement falls within the range of possible approval as fair, adequate and  
26 reasonable, and appears to be the product of arm’s-length and informed negotiations and to treat all  
27 Settlement Class Members fairly. The Settlement Class meets the requirements for conditional  
28 certification for settlement purposes only under Code of Civil Procedure § 382.

1           4.       The Class Notice provided to the Settlement Class conforms with the requirements of  
2 Code of Civil Procedure § 382, Civil Code § 1781, Rules of Court 3.766 and 3.769, the California and  
3 United States Constitutions, and any other applicable law, and constitutes the best notice practicable  
4 under the circumstances, by providing individual notice to all Settlement Class Members who could be  
5 identified through reasonable effort, and by providing due and adequate notice of the proceedings and  
6 of the matters set forth therein to the other Settlement Class Members. The Class Notice fully satisfied  
7 the requirements of due process.

8           5.       The following persons are certified as Class Members solely for the purpose of entering  
9 a settlement in this matter:

10                   All non-exempt employees of Defendant who worked for Defendant in  
11 California during the Class Period (the Class Period is October 23, 2015 through May  
12 19, 2021).

12 (Settlement, ¶¶ 3-4.)

13           6.       The Court also defines the following “PAGA Employees” impacted by the proposed  
14 settlement of PAGA claims:

15                   All Class Members employed at any time during the PAGA Period (the PAGA  
16 Period is October 23, 2018 through through May 19, 2021).

17 (Settlement, ¶¶ 11-12.)

18           7.       Plaintiffs Ma Maribel Hernandez, Ricardo Fajardo, and Jose Acosta are appointed the  
19 Class Representatives. The Court finds Plaintiffs’ counsel are adequate, as they are experienced in  
20 wage and hour class action litigation and have no conflicts of interest with absent Settlement Class  
21 Members, and that they adequately represented the interests of absent class members in the Litigation.  
22 Kane Moon, H. Scott Leviant, and Lilit Tunyan of Moon & Yang, APC, are appointed Class Counsel.

23           8.       The Court appoints Phoenix Settlement Administrators to act as the Settlement  
24 Administrator, pursuant to the terms set forth in the Agreement.

25           9.       Ten Settlement Class Members timely requested exclusion from the Class. Those  
26 Class Member are: Jose Manuel Delgado, Cupertino Garcia, Ignacio Gomez, Antonio Guizar, Rafael  
27 Jimenez, Humberto Mendoza, Adolfo Navarro, Armando Palacios, Martin Sanchez, and Eduardo  
28

1 Torres. All other Class Members are Settlement Class Members, bound by the Final Approval Order  
2 and Judgment in the Action.

3 10. Upon entry of this Final Approval Order and Judgment, funding of the Settlement and  
4 compensation to the Settlement Class Members shall be implemented pursuant to the terms of the  
5 Settlement.

6 11. In addition to any recovery that the Plaintiffs may receive under the Settlement as a  
7 Settlement Class Member, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Class,  
8 the Court hereby approves the payment of an enhancement award to Plaintiff Ma Maribel Hernandez in  
9 the amount of **\$5,000**, Plaintiff Ricardo Fajardo in the amount of **\$5,000**, and Plaintiff Jose Acosta in  
10 the amount of **\$5,000**.

11 12. The Court approves the payment of attorneys' fees to Class Counsel in the amount of  
12 **\$550,000.00**. Litigation expenses are approved by the Court in the following amount: **\$8,264.98** is  
13 awarded to Moon & Yang, APC.

14 13. The Court approves and orders payment in the amount of **\$10,000** to Phoenix  
15 Settlement Administrators for performance of its services as the Settlement Administrator, as set forth  
16 in the Notice to the Class.

17 14. Upon completion of administration of the Settlement, the Parties shall file a declaration  
18 stating that all amounts payable under the Settlement have been paid and that the terms of the  
19 Settlement have been completed.

20 15. The Court sets a non-appearance case review regarding compliance with all fund  
21 distribution requirements under the Settlement for July 15, 2022, at 8:30 a.m., in Dept. SSC-11 of the  
22 above-entitled Court. A Final Report, including any declaration from the Settlement Administrator  
23 regarding compliance, shall be filed with the Court no later than July 8, 2022.

24 16. The Court approves and orders payment in the amount of **\$48,000.00** to the Labor and  
25 Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys  
26 General Act of 2004 (Labor Code § 2698 *et seq.*).

27 17. Once Defendant fully funds the Settlement by paying the Final Settlement Amount,  
28 Plaintiffs and the Settlement Class Members, shall have, by operation of this Final Approval Order and

1 the separate Judgment, fully, finally and forever released, relinquished, and discharged Defendant from  
2 the Released Claims described in the Settlement.

3 18. In accordance with California Rule of Court 3.771(b), the Parties are ordered to give notice  
4 of this final Order and Judgment to all Settlement Class Members by posting the Order and Judgment for  
5 90 days on the Settlement Administrator's website and to the LWDA, pursuant to Labor Code §  
6 2699(1)(3).

7  
8 **IT IS SO ORDERED.**



9  
10 Dated: FFB DECF

\_\_\_\_\_  
11 Hon. David S. Cunningham  
12 LOS ANGELES COUNTY SUPERIOR COURT JUDGE

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party  
4 to the within suit; my business address is 1055 W. 7<sup>th</sup> Street, Suite 1880, Los Angeles, CA 90017.

5 On the date indicated below, I served the document described as: **[AMENDED PROPOSED] ORDER**  
6 **GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this  
7 action by sending [ ] the original [or] [✓] a true copy thereof [✓] to interested parties as follows [or] [ ] as stated  
8 on the attached service list:

9 Christine D. Baran (cbaran@fisherphillips.com)  
10 Colin P. Calvert (ccalvert@fisherphillips.com)  
11 FISHER & PHILLIPS LLP  
12 2050 Main Street, Suite 1000  
13 Irvine, California 92614  
14 Facsimile: (949) 851-0152

15 *Attorney for Defendant PRIME WHEEL CORPORATION*

16 [✓] **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept  
17 electronic service, I caused the documents to be sent to the persons at the electronic service addresses  
18 listed above via third-party cloud service CASEANYWHERE. I did not receive an error message.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
20 correct. Executed this **October 27, 2021** at Los Angeles, California.

21 \_\_\_\_\_  
22 H. Scott Leviant  
23 Type or Print Name

24   
25 \_\_\_\_\_  
26 Signature