

1 Sam Kim [SBN 258467]
2 Yoonis Han [SBN 256151]
3 **VERUM LAW GROUP, APC**
4 841 Apollo Street, Suite 340
5 El Segundo, CA 90245
6 Telephone: (424) 320-2000
7 Facsimile: (424) 221-5010
8 skim@verumlg.com
9 yhan@verumlg.com

10 Attorneys for Plaintiff JOSE B. AGUAS and all other similarly situated persons

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF RIVERSIDE**

13 JOSE B. AGUAS, DANIEL NUNEZ, on
14 behalf of themselves and all others
15 similarly situated

16 Plaintiff,

17 v.

18 MAMCO, INC. dba ALABBASI
19 CONSTRUCTION AND ENGINEERING,
20 a California Corporation, and DOES 1-20,
21 inclusive,

22 Defendants.

Case No. RIC1902499

Assigned for All Purposes to:
The Hon. Sunshine S. Sykes
Dept. 06

**NOTICE OF ENTRY OF JUDGMENT AND
ORDER**

Hearing: December 9, 2021
Time: 8:30 a.m.

Filed: April 18, 2019
Trial Date: None

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

///

///

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that on December 9, 2021, the Honorable Sunshine S. Sykes in Department 06 of the Riverside County Superior Court granted final approval of the class action settlement in this action and issued Judgment. Attached hereto as **Exhibit A** is a true and correct copy of the Judgment and Order.

December 12, 2021

VERUM LAW GROUP, APC

/s/ Sam Kim

Sam Kim
Yoonis Han
Attorneys for Plaintiffs JOSE B. AGUAS,
DANIEL NUNEZ and all other similarly situated
persons

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Received 11/10/2021

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 10 2021

S. Salazar

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE**

JOSE B. AGUAS, DANIEL NUNEZ, on
behalf of themselves and all others
similarly situated

Plaintiff,

v.

MAMCO, INC. dba ALABBASI
CONSTRUCTION AND ENGINEERING,
a California Corporation, and DOES 1-20,
inclusive,

Defendants.

Case No. RIC1902499

Assigned for All Purposes to:
The Hon. Sunshine S. Sykes
Dept. 06

[PROPOSED] JUDGMENT AND ORDER

Reservation ID: 806024888503
Hearing: January 5, 2022
Time: 8:30 a.m.

Filed: April 18, 2019
Trial Date: None

[PROPOSED] JUDGMENT AND ORDER

This matter came before the Court on January 5, 2022 for a hearing on: 1) Plaintiffs' Motion for Final Approval of Class Action Settlement; and 2) Plaintiffs' Motion for Attorneys' Fees and Costs. Following review of the papers filed, proceedings herein, and good cause

1 appearing therefore, the Court Orders and JUDGMENT IS HEREBY ENTERED AS
2 FOLLOWS:

3 1. This Judgment incorporates by reference the definitions in the Amended
4 Stipulation of Class Action Settlement and Release of Claims (“Settlement Agreement” or
5 “Settlement”) attached as Exhibit 8 to the Supplemental Declaration of Sam Kim in Support of
6 Motion for Preliminary Approval of Class Action Settlement, filed on April 27, 2021 and all
7 terms defined therein shall have the same meaning as set forth in the Settlement Agreement.
8 Pursuant to Rule 3.769 (h) of the California Rules of Court, the Court hereby enters judgment
9 consistent with and expressly set forth in the Settlement Agreement in the above-entitled case
10 for Plaintiffs Jose B. Aguas, Daniel Nunez, and Settlement Class Members and who are
11 identified in the class list that Defendant provided to the Settlement Administrator.

12 2. Class Counsel shall file a notice of entry of Judgment, and provide the same to
13 the Settlement Administrator, who shall post the Judgment on the Settlement Administrator’s
14 website (<http://www.phoenixclassaction.com/>) within seven (7) calendar days after entry of
15 Judgement. The Settlement Administrator shall post a copy of this signed judgment for thirty
16 (30) calendar days on its website in compliance with Rule 3.771(b) of the California Rules of
17 Court in order to provide notice to the Settlement Class Members of this Judgment. The
18 Settlement Administrator shall also provide a mailed copy of the notice of entry of Order and
19 Judgment to Settlement Class Members.

20 3. The Notice of Entry of Judgment shall state the following:

21 **“TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

22 PLEASE TAKE NOTICE that on January 5, 2022, the Honorable Sunshine S.
23 Sykes in Department 06 of the Riverside County Superior Court granted final
24 approval of the class action settlement in this action and issued Judgement.

25 Attached hereto as **Exhibit A** is a true and correct copy of the Judgment.”

26 4. The Settlement Class Members bound this Judgement include “all non-exempt
27 Field Employees who worked for Defendant at any time between April 18, 2015 to February
28 26, 2021, and who has not submitted a timely and valid Request for Exclusion as provided in

1 this Settlement Agreement, or who has not previously released the Released Class Claims under
2 a separate agreement.” No valid Requests for Exclusion have been filed by Class Members.
3 Field Employees consist of Field Staff and Field Support employees. Field Staff employees
4 are all prevailing wage classifications, field mechanics, laborers, operators, masons, carpenters,
5 and office personnel. Field Support employees are all delivery drivers, and other non-
6 prevailing field staff.

7 5. The Judgment, as to the Released Class Claims, shall be binding on all
8 Settlement Class Members. The Judgment, as to the Released PAGA Claims, shall be binding
9 on all Aggrieved Employees.

10 6. The scope of the release for Settlement Class Members as to the Released Class
11 Claims are as follows: “all claims stated in the Third Amended Complaint, excluding PAGA,
12 and those based solely upon the facts alleged in the Third Amended Complaint.” (“Released
13 Class Claims”).

14 7. The scope of the release for the Releasing PAGA Parties, or Plaintiff Daniel
15 Nunez and the Labor & Workforce Development Agency only, are as follows: the PAGA
16 claims stated in the Third Amended Complaint. (“Released PAGA Claims”).

17 8. The Maximum Settlement Fund of One Million Dollars and Zero Cents
18 (\$1,000,000.00) shall be paid by Defendant as follows. First Funding and Distribution - within
19 seven (7) calendar days of the Effective Date, Defendant shall pay the Net Settlement Amount
20 to the Settlement Administrator (“First Funding”), including the Class Representative Service
21 Awards. The Settlement Administrator will distribute the First Funding within 7-calendar days
22 of receipt. Second Funding and Distribution - Payment of the remaining amount of the Gross
23 Settlement Amount shall be made by Defendant within six (6) months after final approval of
24 the settlement by the Court. The Settlement Administrator will distribute the First Funding
25 within 7-calendar days of receipt.

26 9. Any envelope transmitting a settlement distribution to Settlement Class
27 Members shall bear the notation, “YOUR CLASS ACTION SETTLEMENT IS ENCLOSED.”

28 10. The Settlement Administrator shall mail a reminder postcard to any Class

1 Member whose settlement distribution check has not been negotiated within 60-days after the
2 date of mailing.

3 11. If (i) any of the Class Members are current employees of Defendant, (ii) the
4 distribution mailed to those employees is returned to the Settlement Administrator as being
5 undeliverable, and (iii) the Settlement Administrator is unable to locate a valid mailing address,
6 the Settlement Administrator shall arrange with the Defendant to have those distributions
7 delivered to the employees at their place of employment.

8 12. The Settlement Class Members' payments shall be made from the Maximum
9 Settlement Fund according to the terms of the Settlement Agreement. The Net Settlement
10 Amount is equal to the Maximum Settlement Fund of \$1,000,000.00, minus the following
11 payments:

- 12 a. \$15,000 shall be paid to Class Representative Jose B. Aguas; and \$15,000 shall
13 be paid to Class Representative Daniel Nunez; (totalling \$30,000);
- 14 b. \$8,500.00 in settlement administrative fees and costs shall be paid to Phoenix
15 Settlement Administrators;
- 16 c. \$333,333.33 in attorney's fees shall be paid to Verum Law Group, APC ("Class
17 Counsel");
- 18 d. \$12,849.74 in costs shall be paid to Class Counsel;
- 19 e. The total PAGA penalties is \$25,000.00. \$18,750.00 shall be paid to the
20 California Labor and Workforce Development Agency for its share of penalties
21 under the California Labor Code Private Attorneys General Act of 2004
22 ("PAGA"). The remaining \$6,250.00 shall be part of the Net Settlement
23 Amount and shall be distributed to Aggrieved Employees based on the total
24 number of workweeks worked during the PAGA Period.

25 13. Pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h)
26 of the California Rules of Court, this Court reserves exclusive and continuing jurisdiction over
27 this action, the Class Representatives, members of the Class, and Defendant for the purposes
28 of: (a) supervising the implementation, enforcement, construction, and interpretation of the

1 Settlement Agreement, and this Judgment and Order; and (b) supervising distribution of
2 amounts paid under this settlement.

3 14. Pursuant to Code of Civil Procedure section 384(b), the Settlement
4 Administrator shall submit a declaration concerning the total amount that was actually paid to
5 Settlement Class Members, and to be filed by Class Counsel by 6/16/2022, which
6 shall contain the following information: (i) the date the checks were mailed; (ii) the total
7 number of checks mailed to Settlement Class Members; (iii) the average amount of those
8 checks; (iv) the number of checks that remain uncashed; (v) the total value of those uncashed
9 checks; (vi) the average amount of the uncashed checks; (vii) the nature and date of the
10 disposition of those unclaimed funds. The declaration by the Settlement Administrator shall
11 be accompanied by a proposed amended judgment that complies with Code of Civil Procedure
12 section 384.5. *A non-appearance compliance hearing is set on 6/23/22*

13 15. In the event the settlement checks to Settlement Class Members remain un-
14 cashed after one hundred eighty (180) days from issuance, the Settlement Administrator shall
15 forward the un-cashed funds, plus any accrued interest that has not been distributed pursuant
16 to the order of the Court, to the cy pres designation, the Wage Justice Center located at 8605
17 Santa Monica Blvd, Suite 70081, West Hollywood, CA 90069.

18
19 DATED: 12/9/2021


The Hon. Sunshine S. Sykes
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 CCP §1013a(3)

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the age of
5 eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite
6 340, El Segundo, California 90245.

7 On the date below, I served the foregoing document(s), described as **NOTICE OF ENTRY OF**
8 **JUDGMENT AND ORDER**, on each of the interested parties in this action by placing the
9 original a true copy thereof enclosed in sealed envelopes addressed as follows (or as addressed
10 on the attached mailing list):

11 Attorneys for Defendant(s) MAMCO, INC. dba
12 ALABBASI CONSTRUCTION
13 AND ENGINEERING

14 Erick Becker
15 **CUMMINS & WHITE, LLP**
16 2424 Southeast Bristol Street #300
17 Newport Beach CA 92660
18 Phone: (949) 852-1800
19 Fax: (949) 852-8510
20 ebecker@cwlawyers.com
21 efarrell@cwlawyers.com
22 rwarren@cwlawyers.com

23 **BY E-MAIL:** Based on a court order or an agreement of the parties to accept service by
24 electronic transmission, I caused the documents to be sent to the persons at the electronic
25 notification addresses listed above (or on the attached service list). I did not receive, within a
26 reasonable time after the transmission, any electronic message or other indication that the
27 transmission was unsuccessful.

28 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Executed on December 13, 2021 at El Segundo, California.



Carla Flores