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**FILED**  
Superior Court of California  
County of Los Angeles  
05/12/2022  
Sherri R. Carter, Executive Officer / Clerk of Court  
By:           B. Guerrero           Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES – SPRING STREET

13 FRANCISCO LOMELI, individually, and on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 PHARMAVITE, LLC, a limited liability  
18 company; and DOES 1 through 10, inclusive,

19 Defendants

Case No.: 20STCV09861

[Assigned for all purposes to Hon. Kenneth R.  
Freeman Dept. 14]

CLASS ACTION

~~[PROPOSED]~~ **JUDGMENT FOLLOWING  
ORDER GRANTING FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

Date: May 12, 2022  
Time: 10:00 a.m.  
Courtroom: Dept. 14  
Judge: Hon. Kenneth R. Freeman

Action Filed: March 11, 2020  
Trial Date: Not Set

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

2 Plaintiff FRANCISCO LOMELI (“Plaintiff”) and Defendant PHARMAVITE, LLC  
3 (“Defendant”) reached terms of settlement for a putative class action. On or about May 12, 2022, the  
4 Court issued an Order granting Plaintiff’s motion for final approval of a proposed class action settlement  
5 of the claims asserted against Defendant in this action (“Final Approval Order”). The settlement is  
6 memorialized in the JOINT STIPULATION OF CLASS ACTION SETTLEMENT (*see* Declaration of  
7 H. Scott Leviant In Support of Plaintiff’s Motion for Final Approval of Class Action Settlement  
8 [“Leviant Decl.”], at Exh. 1). The JOINT STIPULATION OF CLASS ACTION SETTLEMENT is  
9 referred to herein as the or “Settlement.”

10 The Court’s Final Approval Order is incorporated herein in its entirety. The Court now enters  
11 Judgment following the entry of the Final Approval Order. The Judgment set forth herein is intended to  
12 be a final disposition of the Action in its entirety and is intended to be immediately appealable.

13  
14 **JUDGMENT**

15 In accordance with and for the reasons stated in the Final Approval Order, Judgment shall be  
16 entered whereby the Plaintiff, all Settlement Class Members, and all PAGA Employees shall take  
17 nothing from Defendant, except as expressly set forth in the Final Approval Order and the Settlement.

18 The Class Members are:

19 All individuals employed by Defendants in California and classified as “non-  
20 exempt” at any time during the Class Period (the “Class Period” is January 16, 2016  
through June 1, 2021). (Settlement, ¶¶ 3-4.)

21 No Settlement Class Members timely requested exclusion from the Class. All Class Members are  
22 Settlement Class Members.

23 The Court also defines the following “PAGA Employees” impacted by the proposed settlement  
24 of PAGA claims:

25 All Class Members that worked at any time during the PAGA Period (the  
26 “PAGA Period” means the period between March 11, 2019 through November 9,  
2021). (Settlement, ¶¶ 10-11.)

27 Class action and PAGA Action claims are released, pursuant to the terms of the Settlement, as  
28 follows:

1 Upon the final approval by the Court of this Settlement and Defendant's payment of all  
2 sums due pursuant to this Settlement, and except as to such rights or claims as may be  
3 created by this Settlement, the Class Representative, the Class and each Class Member  
4 who has not submitted a valid and timely request for exclusion as to claims other than  
5 the PAGA claim, will release claims as follows:

6 (a) Identity of Released Parties. The released parties are Defendant, and each of  
7 its/their former and present direct and/or indirect owners, dba's, affiliates, parents,  
8 subsidiaries, brother and sister corporations, divisions, related companies, successors  
9 and predecessors, and current and former employees, attorneys, officers, directors,  
10 shareholders, owners, trustees, attorneys, fiduciaries, beneficiaries, subrogees,  
11 executors, partners, privies, agents, servants, insurers, representatives, administrators,  
12 employee benefit plans, and assigns of said entities (collectively "Releasees").

13 (b) Date Release Becomes Effective. The Released Claims will be released upon  
14 the later of (1) the Settlement's Effective Date, or (2) the satisfaction of Defendant's  
15 obligation to provide to the Settlement Administrator a sum in the amount required to  
16 satisfy all required payments and distributions pursuant to this Settlement and the Order  
17 and Judgment of final approval. Class Members will not release the Released Claims or  
18 Released PAGA Claims until both the Effective Date of the Settlement has occurred,  
19 and Defendant has paid all amounts owing under the Settlement.

20 (c) Claims Released by Settlement Class Members. Each and every Class Member,  
21 on behalf of himself or herself and his or her heirs and assigns, unless he or she has  
22 submitted a timely and valid Request for Exclusion (which will not effectuate an opt-  
23 out from the release of Released PAGA Claims), hereby releases Releasees from the  
24 following claims for the entire Class Period:

25 1) all known and unknown claims, losses, damages, liquidated damages,  
26 penalties, interest, liabilities, causes of action, civil complaints, arbitration  
27 demands or suits which arise from the facts asserted in the Action, including,  
28 without limited to the foregoing, all claims under the California Labor Code as  
alleged in the Action, including violations for meal periods, rest breaks, unpaid  
overtime and minimum wages, timely payment of wages, wage statements,  
waiting time penalties, penalties under the Private Attorneys General Act  
sections 2698, et seq., and violations of California Unfair Competition Law  
(Cal. Bus. & Prof. Code §§ 17200, et seq.) or other remuneration whether  
sought under statute, tort, contract or as an unfair business practice ("Released  
Claims");

2) as to any Class Member who cashes their Settlement Payment, the  
signing and negotiation of that check shall serve as the Class Member's consent  
to join the action for purposes of releasing claims arising under the Fair Labor  
Standards Act that are related to the claims stated in the Action, implicitly or  
explicitly; and,

3) in addition, as to all Class Members employed during the Released  
PAGA Claims Period, whether requesting exclusion from the Settlement or not,  
the Released PAGA Claims (For purposes of the Settlement, "Released PAGA  
Claims" means all claims asserted through California Labor Code §§ 2698, et  
seq., that were identified by the PAGA Representative in the Notice to the  
LWDA and are alleged in the Complaint. Plaintiff's Notice to the LWDA is  
attached to the Settlement as Exhibit "B.").

1 Distributions pursuant to the Settlement shall issue in the amounts authorized in the Final  
2 Approval Order, according to the deadlines specified in the Settlement.

3 Pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California  
4 Rules of Court, this Court reserves exclusive and continuing jurisdiction over this action, the Plaintiff,  
5 Settlement Class Members, and Defendant, for the purposes of:

6 (a) supervising the implementation, enforcement, construction, and interpretation of the  
7 Settlement, the Preliminary Approval Order, the plan of allocation, the Final Approval Order,  
8 and the Judgment; and

9 (b) supervising distribution of amounts paid under this Settlement.

10  
11 **IT IS SO ORDERED.**



A handwritten signature in black ink, appearing to read "K. Freeman".

12  
13 Dated: 05/12/2022

Kenneth R. Freeman / Judge  
Hon. Kenneth R. Freeman  
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  
4 party 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: **[PROPOSED] JUDGMENT**  
6 **FOLLOWING ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on the  
7 interested parties in this action by sending  the original [or]  a true copy thereof  to interested parties as  
8 follows [or]  as stated on the attached service list:

9 ERIKA L. SHAO  
10 eshao@grsm.com  
11 LINH T. HUA  
12 lhua@grsm.com  
13 GORDON REES SCULLY MANSUKHANI,  
14 LLP  
15 633 West Fifth Street, 52nd floor  
16 Los Angeles, CA 90071  
17 Telephone: (213) 270-7851  
18 Facsimile: (213) 680-4470

19 *Attorneys for Defendant PHARMAVITE, LLC*

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

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
24 correct. Executed this **March 30, 2022** at Los Angeles, California.

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18 H. Scott Leviant  
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