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8
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FILED
Superior Court of California
County of Los Angeles

MAY 27 2022

Sherril K. Carter, Executive Officer/Clerk of Court
By [Signature], Deputy
Lori M'Greene

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

10 RAMIRO PEREZ, individually, and on
11 behalf of other members of the general public
12 similarly situated; KIM BALLING,
13 individually, and on behalf of other members
14 of the general public similarly situated and on
15 behalf of other aggrieved employees pursuant
16 to the California Private Attorneys General
17 Act;

14 Plaintiffs,

15 vs.

16 KAISER ALUMINUM CORPORATION, an
17 unknown business entity; and DOES 1
18 through 100, inclusive,

18 Defendants.

Case No.: 18STCV06639

Honorable Carolyn B. Kuhl
Department SSC-12

CLASS ACTION

**[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT**

Date: May 26, 2022
Time: 10:30 a.m.
Department: SSC-12

Complaint Filed: November 29, 2018
FAC Filed: April 16, 2021
Trial Date: None Set

1 This matter has come before the Honorable Carolyn B. Kuhl in Department SSC-12 of the
2 Superior Court of the State of California, for the County of Los Angeles, located at 312 North
3 Spring Street, Los Angeles, California 90012, on May 26, 2022 at 10:30 a.m. for Plaintiffs' Motion
4 for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Incentive Awards
5 ("Motion for Final Approval"). Lawyers *for* Justice, PC appears as counsel for Plaintiffs Ramiro
6 Perez and Kim Balling ("Plaintiffs") and the Class, and Jackson Lewis P.C. appears as counsel for
7 Defendant Kaiser Aluminum Corporation ("Defendant").

8 On November 1, 2021, the Court entered the Order Granting Preliminary Approval of Class
9 Action Settlement ("Preliminary Approval Order") thereby preliminarily approving the settlement
10 of the above-entitled action ("Action") in accordance with the First Amended Stipulation and
11 Agreement for Class Action and PAGA Settlement ("Settlement," "Agreement," or "Settlement
12 Agreement"), entered by Plaintiffs and Defendant (together, "Parties"), which, together with the
13 exhibits annexed thereto, set forth the terms and conditions for settlement of the Action.

14 On December 7, 2021, the Parties filed their Joint Stipulation to Amend Settlement
15 Agreement and Order Granting Preliminary Approval of Class Action Settlement, and Extend
16 Notice Administration Process Consistent Therewith, in order to correct the Prior Settlement
17 Payment amount to \$341,450.68 (instead of \$340,381.00 as reflected in the Settlement Agreement).
18 On December 16, 2021, the Court entered an Order Granting Preliminary Approval of Class Action
19 Settlement and Extend Notice Administration Process Consistent Therewith, thereby approving the
20 change in the Prior Settlement Payment Amount to \$341,450.68 ("December 16, 2021 Order"). The
21 December 16, 2021 Order operates to modify the Settlement Agreement, and all references to the
22 Settlement Agreement are to the Settlement Agreement as modified by the December 16, 2021
23 Order.

24 The Court, having carefully considered the papers, argument of counsel, and all matters
25 presented to the Court, and good cause appearing, hereby GRANTS Plaintiffs' Motion for Final
26 Approval of Class Action Settlement.

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

28 1. All terms used herein shall have the same meaning as defined in the Settlement
Agreement, the Preliminary Approval Order, and the December 16, 2021 Order.

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

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

8 All current and former non-exempt employees who worked for Defendant within
9 the State of California at any time during November 29, 2014 through March 25,
10 2021.

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

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

1 hereby directs that the Settlement be affected in accordance with the Settlement Agreement and
2 the terms and conditions set forth in this Final Approval Order and Judgment.

3 6. A full opportunity has been afforded to the Class Members to participate in the
4 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
5 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
6 the Settlement. Accordingly, the Court determines that all Class Members who did not timely and
7 validly opt out of the Settlement (“Participating Class Member”) are bound by this Final Approval
8 Order and Judgment.

9 7. The Court finds that Class Member, Renee Ramirez, has timely and validly opted
10 out of the Settlement and will not be bound by this Final Approval Order and Judgment

11 8. The Court finds that payment of Settlement Administration Costs in the amount of
12 \$7,500.00 is appropriate for the services performed and costs incurred and to be incurred for the
13 notice and settlement administration process. It is hereby ordered that the Settlement
14 Administrator, Phoenix Settlement Administrators, shall issue payment to itself in the amount of
15 \$7,500.00, in accordance with the terms and methodology set forth in Settlement Agreement.

16 9. The Court finds that the Incentive Awards sought are fair and reasonable for the
17 work performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Settlement
18 Administrator issue payment in the amount of \$7,500.00 to Plaintiff Ramiro Perez and \$5,000.00
19 to Plaintiff Kim Balling for their Incentive Awards, according to the terms and methodology set
20 forth in the Settlement Agreement.

21 10. The Court finds that the allocation of \$20,000.00 toward penalties under the
22 California Private Attorneys General Act of 2004 (“PAGA Amount”), is fair, reasonable, and
23 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
24 Amount as follows: the amount of \$15,000.00 to the California Labor and Workforce Development
25 Agency, and the amount of \$5,000.00 to be included in the Net Settlement Amount for distribution
26 to Participating Class Members, according to the terms and methodology set forth in the Settlement
27 Agreement.

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1 11. The Court finds that the request for attorneys' fees in the amount of \$202,125.00 to
2 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
3 sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and
4 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the
5 amount of \$202,125.00 to Class Counsel for attorneys' fees, in accordance with the terms and
6 methodology set forth in the Settlement Agreement.

7 12. The Court finds that reimbursement of litigation costs and expenses in the amount
8 of \$38,418.86 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
9 Settlement Administrator issue payment in the amount of \$38,418.86 to Class Counsel for
10 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
11 forth in the Settlement Agreement.

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

15 14. It is hereby ordered that Defendant shall deposit the Settlement Fund into an
16 account established by the Settlement Administrator within ten (10) business days after the
17 Effective Date, in accordance with the terms and methodology set forth in the Settlement
18 Agreement.

19 15. It is hereby ordered that the Settlement Administrator shall distribute Individual
20 Settlement Payments to the Participating Class Members within fifteen (15) business days after
21 the Settlement Administrator receives the Settlement Fund, according to the methodology and
22 terms set forth in the Settlement Agreement.

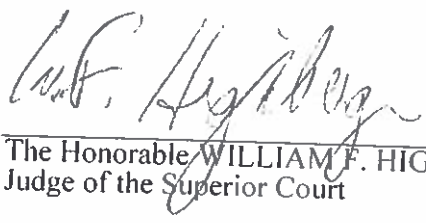
23 16. After entry of this Final Approval Order and Judgment, pursuant to California Rules
24 of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and
25 enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and
26 resolve any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

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1 17. Notice of entry of this Final Approval Order and Judgment shall be given to the
2 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix's website
3 for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order
4 and Judgment. Individualized notice is not required.

5 **IT IS SO ORDERED.**

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7 Dated: 5/27/22

8 By: 
9 The Honorable WILLIAM F. HIGHBERGER
10 Judge of the Superior Court

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