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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 24 2023

BY 
JESSICA MORALES, DEPUTY

5 *Attorneys for Plaintiffs and the Class*

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

9 BRIANNA FLORES, TANIA ESTREMER, individually, and on behalf of other members
10 of the general public similarly situated;
11 DEXTER NORMAN HANSEN, individually
and on behalf of other aggrieved employees
12 pursuant to the California Private Attorneys
General Act;

13 Plaintiffs,

14 vs.

15 BISCOMERICA CORP., a California
16 corporation; and DOES 1 through 100,
inclusive,

17 Defendants.

Case No.: CIVDS1930814

Honorable David S. Cohn
Department S-26

CLASS ACTION

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

Date: January 20, 2023
Time: 10:00 a.m.
Department: S-26

Complaint Filed: October 15, 2019
FAC Filed: July 28, 2021
Trial Date: None Set

1 This matter has come before the Honorable David S. Cohn in Department S-26 of the
2 above-entitled Court, located at San Bernardino Justice Center, 247 West Third Street, San
3 Bernardino, California 92415, on Plaintiffs Brianna Flores, Tania Estremera, and Dexter Norman
4 Hansen’s (together, “Plaintiffs”) Motion for Final Approval of Class Action Settlement, Attorneys’
5 Fees and Costs, and Enhancement Awards (“Motion for Final Approval”). Lawyers *for* Justice,
6 PC appeared on behalf of Plaintiffs, and Varner & Brandt LLP and Lewis Brisbois Bisgaard &
7 Smith LLP appeared on behalf of Defendant Biscomerica Corp. (“Defendant”).

8 On April 29, 2022, 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 Joint Stipulation of Class Action
11 and PAGA Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”), which, together
12 with the exhibits annexed thereto, set forth the terms and conditions for settlement of the Action.

13 Having reviewed the Settlement Agreement and duly considered the parties’ papers and
14 oral argument, and good cause appearing,

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

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

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

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

25 All current and former hourly-paid and/or non-exempt employees who worked
26 for Defendant within the State of California at any time during the period from
27 October 15, 2015 through June 10, 2021 (“Class” or “Class Members”).

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

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

22 6. A full opportunity has been afforded to the Class Members to participate in the
23 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
24 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
25 the Class Settlement. Accordingly, the Court determines that all Class Members who did not timely
26 and validly opt out of the Settlement (“Settlement Class Members”) are bound by the Class
27 Settlement and by this order and judgment (“Final Approval Order and Judgment”), and the State
28 of California and all current and former hourly-paid and/or non-exempt employees who worked

1 for Defendant within the State of California at any time during the PAGA Period (“PAGA
2 Members”) are bound by the PAGA Settlement and by this Final Approval Order and Judgment.

3 7. The Court finds that the allocation for the total amount of One Hundred Fifty
4 Thousand Dollars (\$150,000.00), which is designated and allocated as penalties under the
5 California Private Attorneys General Act of 2004 (“PAGA Payment”), is fair, reasonable, and
6 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
7 Payment as follows: the amount of \$112,500.00 to the California Labor and Workforce
8 Development Agency and the amount of \$37,500.00 to PAGA Members, in accordance with the
9 terms and methodology set forth in the Settlement Agreement.

10 8. The Court finds that payment of Settlement Administration Fees in the amount of
11 \$11,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
12 notice and settlement administration process. It is hereby ordered that the Settlement
13 Administrator, Phoenix Settlement Administrators, shall issue payment to itself in the amount of
14 \$11,000.00, in accordance with the terms and methodology set forth in Settlement Agreement.

15 9. The Court finds that the Enhancement Awards sought are fair and reasonable for
16 the work performed by Plaintiffs on behalf of the Class and the State of California. It is hereby
17 ordered that the Settlement Administrator issue payment of Enhancement Awards to Plaintiffs
18 Brianna Flores, Tania Estremera, and Dexter Norman Hansen in the amount of \$6,500.00 *each*
19 (for a total of \$19,500.00), in accordance with the terms and methodology set forth in the
20 Settlement Agreement.

21 10. The Court finds that the request for attorneys’ fees in the amount of \$422,329.77
22 to 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 \$422,329.77 to Class Counsel for attorneys’ fees, in accordance with the terms and
26 methodology set forth in the Settlement Agreement.

27 11. The Court finds that reimbursement of litigation costs and expenses in the amount
28 of \$16,756.45 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the

1 Settlement Administrator issue payment in the amount of \$16,756.45 to Class Counsel for
2 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
3 forth in the Settlement Agreement.

4 12. The Court hereby enters Judgment by which Settlement Class Members shall be
5 conclusively determined to have given a release of any and all Released Claims that do not arise
6 under the Private Attorneys General Act, California Labor Code Section 2698, *et seq.* ("PAGA")
7 against the Released Parties, and all PAGA Members shall be conclusively determined to have
8 given a release of any and all Released Claims arising under PAGA against the Released Parties,
9 as set forth in the Settlement Agreement and Class Notice.

10 13. It is hereby ordered that Defendant shall deposit the Gross Settlement Amount into
11 a settlement account established by the Settlement Administrator within thirty (30) calendar days
12 after the Effective Date, in accordance with the terms and methodology set forth in the Settlement
13 Agreement.

14 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
15 Settlement Payments to the Settlement Class Members and Individual PAGA Payments to PAGA
16 Members within ten (10) calendar days after the Gross Settlement Amount has been transmitted
17 by Defendant, according to the methodology and terms set forth in the Settlement Agreement.

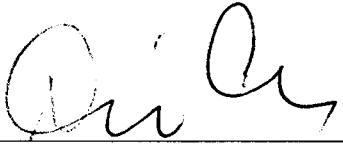
18 15. After entry of this Final Approval Order, pursuant to California Rules of Court,
19 Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and enforce the
20 Settlement Agreement and this Final Approval Order, to hear and resolve any contested challenge
21 to a claim for settlement benefits, and to supervise and adjudicate any dispute arising from or in
22 connection with the distribution of settlement benefits.

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

Dated: 1/24/23



HONORABLE DAVID S. COHN
JUDGE OF THE SUPERIOR COURT