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10 Attorneys for Plaintiff

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF STANISLAUS**

13 LETICIA RODRIGUEZ, individually, and on
14 behalf of all others similarly situated,

15 *Plaintiff,*

16 v.

17 MODESTO RESTAURANT GROUP, LLC, a
18 California limited liability corporation; and
19 DOES 1 through 10, inclusive,

20 *Defendants.*

Case No.: CV-21-000269

CLASS ACTION

[Assigned for all purposes to: Hon. Sonny S.
Sandhu, Dept. 24]

**NOTICE OF ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

Complaint filed: January 21, 2021
Trial date: Not Set

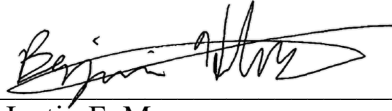
1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the Court in the above-referenced matter has granted
3 Plaintiff's Motion for Final Approval of Class Action Settlement. A true and correct copy of
4 the Order Granting Plaintiff's Motion for Final Approval of Class Action Settlement and
5 Judgment is attached hereto as **Exhibit A**.

6
7 Respectfully submitted,

8 Dated: January 20, 2023

WILSHIRE LAW FIRM

9
10 By: 

11 Justin F. Marquez
Benjamin H. Haber

12 Attorneys for Plaintiff

Exhibit A

Electronically Filed
1/18/2023
Superior Court of California
County of Stanislaus
Clerk of the Court
By: Yukari Williams, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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LETICIA RODRIGUEZ, individually, and on
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Plaintiff,

v.

MODESTO RESTAURANT GROUP, LLC, a
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DOES 1 through 10, inclusive,

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Case No.: CV-21-000269

CLASS ACTION

[Assigned for all purposes to: Hon. Sonny S.
Sandhu, Dept. 24]

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

FINAL APPROVAL HEARING

Date: December 6, 2022
Time: 8:30 a.m.
Dept. 24

1 This matter coming before the Court on Plaintiff Leticia Rodriguez’s (“Plaintiff”)
2 Motion for Final Approval of Class Action Settlement (the “Final Approval Motion”), and
3 after review and consideration of the parties’ fully-executed Stipulation of Settlement
4 (collectively, the “Settlement” or “Settlement Agreement”) and the papers in support of the
5 Final Approval Motion, due and adequate notice having been given to the Class, and the Court
6 having reviewed and considered the Settlement, all papers filed, the record, proceedings in the
7 above-entitled action (“Litigation” or “Action”), and all oral and written comments received
8 regarding the Settlement, and good cause appearing therefor,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

10 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
11 Settlement filed in this case.

12 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the
13 Settlement Class Members, and Defendant Modesto Restaurant Group, LLC (“Defendant”).

14 3. The Court finds that the Settlement appears to have been made and entered into in
15 good faith and hereby approves the settlement subject to the limitations on the requested fees and
16 enhancements as set forth below.

17 4. Plaintiff and all Participating Class Members shall have, by operation of this Final
18 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant
19 and the Released Parties from all released claims as set forth in the Settlement.

20 5. Plaintiff, the State of California, and all Participating PAGA Members shall have,
21 by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished,
22 and discharged Defendant and the Released Parties from all released PAGA claims as set forth in
23 the Settlement.

24 6. The Parties shall bear their own respective attorneys’ fees and costs, except as
25 otherwise provided for in the Settlement and approved by the Court.

26 7. Solely for purposes of effectuating the settlement, the Court finally certified the
27 following Class: “All persons who worked for Defendant in California as an hourly-paid or non-
28 exempt employee during the Settlement Period.”

1 8. The Settlement Period is January 21, 2017 through April 1, 2022.

2 9. No Settlement Class Members have objected to the terms of the Settlement.

3 10. Four Settlement Class Members have requested exclusion from the Settlement:
4 David Aguilar, Maritza Cortez, Dennise Gonzalez, and Celia Rincon.

5 11. The Notice provided to the Class conforms with the requirements of California
6 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the
7 circumstances, by providing individual notice to all Class Members who could be identified
8 through reasonable effort, and by providing due and adequate notice of the proceedings and of
9 the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of
10 due process.

11 12. The Court finds the Settlement Amount, the Net Settlement Amount, and the
12 methodology used to calculate and pay the Net Settlement Payments to each Participating Class
13 Member are fair and reasonable and authorizes the Settlement Administrator to pay the Net
14 Settlement Payments to the Participating Class Members in accordance with the terms of the
15 Stipulation.

16 13. The Court approves the Settlement and finds that it is fair, reasonable, and
17 adequate, and worthy of final approval.

18 14. The Court also finds the PAGA Settlement is fair and reasonable, and that Plaintiff
19 provided notice of the proposed Settlement to the Labor and Workforce Development Agency
20 (LWDA) and will fully and adequately comply with the notice requirements of California Labor
21 Code section 2699(1). The Court hereby approves the PAGA Settlement.

22 15. Defendant shall pay the total of \$661,431.36 to resolve this litigation. Defendant
23 shall deposit this amount and employer taxes into an account established by the Settlement
24 Administrator. Thereafter, compensation to the Participating Class Members shall be disbursed
25 pursuant to the terms of the Settlement.

26 (a) From the Settlement Amount, \$18,750.00 shall be paid to the California
27 Labor and Workforce Development Agency, representing 75% of the
28 penalties awarded under the terms of the Settlement Agreement pursuant to

1 the Labor Code Private Attorneys General Act of 2004, California Labor
2 Code section 2698, *et seq.* The remaining \$6,250.00, representing 25% of
3 the total amount allocated for PAGA penalties, shall be paid to the PAGA
4 Employees.

5 (b) From the Settlement Amount, \$8,000.00 shall be paid to the named
6 Plaintiff, Leticia Rodriguez for her service as class representative and for
7 his agreement to release claims.

8 (c) From the Settlement Amount, \$11,750 shall be paid to the Settlement
9 Administrator, Phoenix Settlement Administrators.

10 16. The Court hereby confirms Justin F. Marquez and Benjamin H. Haber of Wilshire
11 Law Firm, PLC as Class Counsel.

12 17. From the Settlement Amount, Class Counsel is awarded \$220,477.12 for their
13 reasonable attorneys' fees and \$18,578.69 for their reasonable costs incurred in the Action. The
14 fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds
15 that the fees are reasonable in light of the benefit provided to the Class.

16 18. The Net Settlement Amount of \$377,625.55 shall be made available to pay
17 Settlement Class Members. This amount was determined by subtracting Class Counsel's
18 attorneys' fees (\$220,477.12), Class Counsel's costs (\$18,578.69), Enhancement Payment
19 (\$8,000.00), PAGA Payment (\$25,000.00), and Settlement Administration Costs (\$11,750.00)
20 from the Total Settlement Amount (\$661,431.36).

21 19. Notice of entry of this Final Approval Order and Judgment shall be given to Class
22 Members by posting a copy of the Final Approval Order and Judgment on Phoenix Settlement
23 Administrator's website for a period of at least ninety (90) calendar days after the date of entry of
24 this Final Approval Order and Judgment.

25 20. Without affecting the finality of this Final Judgment in any way, this Court retains
26 continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement
27 with respect to all Parties to this action, and their counsel of record.


28 ///

1 21. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted
2 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

3 22. The Court sets a compliance hearing for March 14, 2024 at 8:30 a.m. in
4 Department 24 to confirm full administration of the Settlement. Class Counsel shall submit a
5 compliance report no later than seven (7) court days before the date of the hearing, which shall
6 include the total amount that was actually paid to the class members pursuant to the Settlement
7 Agreement. At the time of the compliance hearing, the Court shall amend the judgement to
8 direct that the sum of unpaid funds, plus interest as required by statute, be distributed as set forth
9 in the Settlement Agreement.

10 **IT IS SO ORDERED.**

11
12
13 DATE: 1/10/2023

14 
15 _____
16 Hon. Sonny S. Sandhu
17 Judge of the Stanislaus County Superior
18 Court
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PROOF OF SERVICE

Rodriguez v. Modesto Restaurant Group, LLC, et al
CV-21-000269

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is rpadilla@wilshirelawfirm.com.

On January 20, 2023, I served the foregoing **NOTICE OF ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND JUDGMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Jacqueline Beaumont, Bar No. 253776

jbeaumont@calljensen.com

L. Lisa Sandoval, Bar No. 310380

lsandoval@calljensen.com

Carrie Daly

cdaly@calljensen.com

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Newport Beach, CA 92660

Telephone: (949) 717-3000

Fax: (949) 717- 3100

Attorneys for Defendant, Modesto Restaurant Group, LLC

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on January 20, 2023, at Los Angeles, California.



Rebecca Padilla

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

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