

1 Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
2 Joanna Ghosh (SBN 272479)
Brian J. St. John (SBN 304112)
3 **LAWYERS for JUSTICE, PC**
410 West Arden Avenue, Suite 203
4 Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

5 *Attorneys for Plaintiff and the Class*

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF ORANGE**

9 ANTHONY COLLINS, individually, and on
10 behalf of other members of the general public
similarly situated;

11 **Plaintiff,**

12 vs.

13 CANUS CORPORATION, a California
14 corporation; and DOES 1 through 100,
inclusive,

15 **Defendants.**

Case No.: 30-2018-01019194-CU-OE-CXC

Honorable Randall J. Sherman
Department CX105

CLASS ACTION

[REVISED PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT

Date: March 3, 2023
Time: 10:00 a.m.
Department: CX105

Complaint Filed: September 18, 2018
Trial Date: None Set

1 This matter has come before the Honorable Randall J. Sherman in Department CX105 of
2 the above-entitled Court, located at 700 W Civic Center Dr., Santa Ana, California 92701, on
3 Plaintiff Anthony Collins’s (“Plaintiff”) Motion for Final Approval of Class Action Settlement,
4 Attorneys’ Fees, Costs, and Enhancement Payment (“Motion for Final Approval”). Lawyers for
5 Justice, PC appeared on behalf of Plaintiff, and Wood, Smith, Henning & Berman LLP appeared
6 on behalf of Defendant Canus Corporation (“Defendant”).

7 On September 30, 2022, the Court entered the Order Granting Preliminary Approval of
8 Class Action Settlement (“Preliminary Approval Order”), thereby preliminarily approving the
9 settlement of the above-entitled action (“Action”) in accordance with the Joint Stipulation of
10 Class Action Settlement and Amendment No. 1 to the Joint Stipulation of Class Action
11 Settlement (together, “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
22 respect to the Class and the Settlement. The Court hereby makes final its earlier provisional
23 certification of the Class for settlement purposes, as set forth in the Preliminary Approval Order.

24 The Class is hereby defined to include:

25 All current and former hourly-paid and/or non-exempt employees employed by
26 Defendant at any time during the Class period from September 18, 2014 through
February 17, 2021 (“Class” or “Class Members”).

27 4. The Notice of Class Action Settlement (“Class Notice”) that was provided to the
28 Class Members, fully and accurately informed the Class Members of all material elements of the

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

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

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

26 7. The Court finds that the following twenty-one (21) Class Members have timely
27 and validly opted out of the Settlement and will not be bound by this Final Approval Order and
28 Judgment: Charles Andrews, Robert Beeson, Yu Chen, Christian Delgado, Dewey Duplissey,

1 Martinez Giles, Thomas Harvey Jr., Christopher Jackson, Robert Lees, Gregory Lozano, Kitty
2 Mason, John Mattke, Gregory Mckeever, John Peck, Jose Puentes, David Richards Sr., William
3 Roederer, Martin Savage, Jack Spargo, Perry Sutton, and Ray Swift.

4 8. The Court finds that payment of Settlement Administration Costs in the amount of
5 \$9,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
6 notice and settlement administration process. It is hereby ordered that the Settlement
7 Administrator, Phoenix Class Action Administration Solutions, shall issue payment to itself in
8 the amount of \$9,000.00, in accordance with the terms and methodology set forth in Settlement
9 Agreement.

10 9. The Court finds that an Enhancement Payment in the amount of \$5,000.00 is fair
11 and reasonable for the work performed by Plaintiff on behalf of the Class. It is hereby ordered
12 that the Settlement Administrator issue payment in the amount of \$5,000.00 to Plaintiff Anthony
13 Collins for his Enhancement Payment, according to the terms and methodology set forth in the
14 Settlement Agreement.

15 10. The Court finds that attorneys' fees in the amount of \$385,652.60 to Class
16 Counsel are fair, reasonable, and appropriate, and are hereby approved. It is hereby ordered that
17 the Settlement Administrator issue payment in the amount of \$385,652.60 to Class Counsel for
18 attorneys' fees, in accordance with the terms and methodology set forth in the Settlement
19 Agreement.

20 11. The Court finds that reimbursement of litigation costs and expenses in the amount
21 of \$13,994.46 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
22 Settlement Administrator issue payment in the amount of \$13,994.46 to Class Counsel for
23 reimbursement of litigation costs and expenses, in accordance with the terms and methodology
24 set forth in the Settlement Agreement.

25 12. The Court hereby enters Judgment by which Settlement Class Members shall be
26 conclusively determined, as of the Effective Date and Defendant's full funding of the Total
27 Settlement Amount, to have given a release of any and all Released Claims against the Released
28 Parties, as set forth in the Settlement Agreement and Class Notice as amended.

1 13. It is hereby ordered that Defendant shall deposit the Total Settlement Amount into
2 an account established by the Settlement Administrator within fifteen (15) calendar days after the
3 Effective Date, in accordance with the terms and methodology set forth in the Settlement
4 Agreement.

5 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
6 Settlement Payments to the Settlement Class Members within seven (7) calendar days after
7 Defendant funds the Total Settlement Amount, according to the methodology and terms set forth
8 in the Settlement Agreement.

9 15. Each check issued to a Settlement Class Member for his or her Individual
10 Settlement Payment shall be valid for a period of one hundred and eighty (180) calendar days
11 from the date of issuance of the check, and after this time period, the check(s) shall be canceled.
12 The funds associated with checks issued to Settlement Class Members that have not been cashed
13 or deposited within the 180-day period shall be transmitted to the State Controller's Office
14 Unclaimed Property Division in the names of the Settlement Class Members whose checks are
15 canceled.

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

22 17. Notice of entry of this Final Approval Order and Judgment shall be given to the
23 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix Class
24 Action Administration Solutions' website for a period of at least sixty (60) calendar days after
25 the date of entry of this Final Approval Order and Judgment. Individualized notice is not
26 required.

27 ///

28 ///

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

///
///
///

18. A Final Report Hearing is set for January 12, 2024 at 10:00 a.m. in Department CX105. Class Counsel shall submit a final accounting report regarding the status of the settlement administration at least sixteen (16) calendar days prior to the Final Report Hearing.

Dated: **March 9, 2023**


HONORABLE RANDALL J. SHERMAN
JUDGE OF THE SUPERIOR COURT