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**FILE**

San Francisco County Superior Court



AUG 07 2023

SUPERIOR COURT OF CALIFORNIA CLERK OF THE COURT

COUNTY OF SAN FRANCISCO

BY: *Christina Echeverri*  
Deputy Clerk

DEPARTMENT 304

ARNULFO GASCA, JR., individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

WATCHPOINT LOGISTICS, INC., a California  
corporation; RANDSTAD NORTH AMERICA,  
INC., a Delaware corporation; and DOES 1  
through 10, inclusive,

Defendants.

Case No.: CGC-21-595196

ORDER GRANTING FINAL APPROVAL OF  
CLASS ACTION AND PAGA ACTION  
SETTLEMENT

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

2 Plaintiff Arnulfo Gasca, Jr. ("Plaintiff") and Defendant Watchpoint Logistics, Inc. ("Defendant")  
3 have reached terms of settlement for a putative class action and representative action.

4 Plaintiff has filed a motion for final approval of a settlement of class action and representative  
5 action claims asserted against Defendant in this action, memorialized in the FIRST AMENDED  
6 STIPULATION OF SETTLEMENT OF CLASS ACTION AND PAGA CLAIMS AND RELEASE  
7 OF CLAIMS ("Settlement" or "Agreement").<sup>1</sup> On August 4, 2023, the Court heard Plaintiff's Motion  
8 for Final Approval of Class Action and PAGA Settlement.

9 After reviewing the Agreement, the Notice process, and other related documents, and having  
10 heard the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

11 1. All defined terms contained herein shall have the same meanings as set forth in the  
12 Settlement.

13 2. The Court finds that the terms of the proposed class action Settlement are fair, reasonable,  
14 and adequate, pursuant to California Code of Civil Procedure § 382.

15 3. The Court finds that the Settlement has been reached as a result of intensive, serious and non-  
16 collusive arm's-length negotiations. The Court further finds that the parties have conducted thorough  
17 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective  
18 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well  
19 as avoid the delay and risks that would be presented by the further prosecution of the action. The Court  
20 finds that the risks of further prosecution are substantial.

21 4. The parties' Settlement is granted final approval as it meets the criteria for final settlement  
22 approval. The Settlement falls within the range of possible approval as fair, adequate, and reasonable,  
23 and appears to be the product of arm's-length and informed negotiations and to treat all Class Members  
24 fairly. No Class Member has objected to the Settlement. The Class meets the requirements for  
25 conditional certification for settlement purposes only under Code of Civil Procedure § 382.

26 5. Counsel for Plaintiff provided notice of the requested approval of the PAGA settlement to  
27

28 <sup>1</sup> The Settlement is attached as Exhibit 1 to the Declaration of Kane Moon filed on July 10, 2023.

1 the Labor and Workforce Development Agency (“LWDA”) through the online submission portal. The  
2 LWDA did not object to the Settlement. The Court finds that this notice of the Settlement complies with  
3 the statutory requirements of PAGA. Class Counsel shall submit Notice of this Order to the LWDA by  
4 submission through the online system established for the filing of notices and documents, in conformity  
5 with Labor Code section 2699, subdivision (1)(3), within ten (10) days of entry.

6 6. The Notice of Proposed Class Action And PAGA Settlement (“Notice”) provided to the Class  
7 conforms with the requirements of Code of Civil Procedure § 382, Civil Code § 1781, Rules of Court  
8 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and  
9 constitutes the best notice practicable under the circumstances, by providing individual notice to all Class  
10 Members and Aggrieved Employees who could be identified through reasonable effort, and by providing  
11 due and adequate notice of the proceedings and of the matters set forth therein to the other Class Members  
12 and Aggrieved Employees. The Notice fully satisfied the requirements of due process.

13 7. The following persons are certified as Settlement Class Members or Class Members solely  
14 for the purpose of entering a settlement in this matter:

15 All non-exempt employees who worked for Defendant in California between  
16 September 14, 2017 to March 7, 2023 (the date this Court granted Preliminary  
Approval).

17 8. The following persons are the Aggrieved Employees solely for the purpose of entering a  
18 settlement in this matter:

19 All non-exempt employees who worked for Defendant in California between September  
20 11, 2020 to March 7, 2023 (the date this Court granted Preliminary Approval).

21 9. Plaintiff Arnulfo Gasca, Jr. is appointed the Class Representative. The Court finds Plaintiff’s  
22 counsel are adequate, as they are experienced in wage and hour class action litigation and have no  
23 conflicts of interest with absent Settlement Class Members, and that they adequately represented the  
24 interests of absent class members in the Litigation. Kane Moon and Lilit Ter-Astvatsatryan of Moon  
25 Law Group, PC, formerly known as Moon & Yang, APC, are appointed Class Counsel.

26 10. The Court appoints Phoenix Class Action Administration Solutions (“Phoenix”) to act as the  
27 “Settlement Administrator,” pursuant to the terms set forth in the Agreement.

28 11. No Class Members requested an exclusion from the Class.

1           12. Upon entry of this Final Approval Order and the associated Judgment, funding of the  
2 Settlement and compensation to the Settlement Class Members and Aggrieved Employees shall be  
3 implemented pursuant to the terms of the Settlement.

4           13. In addition to any recovery that the Plaintiff may receive under the Settlement as a Class  
5 Member, and in recognition of the Plaintiff's efforts on behalf of the Class, the Court hereby approves the  
6 payment of an enhancement award to Plaintiff in the amount of \$5,000.

7           14. The Court approves the payment of attorneys' fees to Class Counsel in the amount of  
8 \$158,317.50.

9           15. Litigation expenses are approved by the Court in the following amount \$16,746.04.

10          16. The Court approves and orders payment in the amount of \$7,795 to Phoenix for performance  
11 of its services as the Settlement Administrator.

12          17. The Court approves the payment of \$50,000 to resolve the civil penalty claims under PAGA,  
13 including \$37,500 to be paid to the LWDA and \$12,500 to be paid to Aggrieved Employees.

14          18. Upon completion of administration of the Settlement, the Parties shall file a declaration stating  
15 that all amounts payable under the Settlement have been paid and that the terms of the Settlement have  
16 been completed. In the event that there are any un-cashed or abandoned checks, these must be transmitted  
17 to the California State Controller's Office's Unclaimed Property Division per the terms of the Settlement.  
18 The Settlement Administrator will cancel the tax documents associated with those un-cashed or abandoned  
19 checks, and the Parties will submit to the Court a revised Judgment that states the final disposition of all  
20 amounts under this Settlement, including the aggregate amount of all uncashed checks and any accrued  
21 interest, in compliance with California Code of Civil Procedure § 384.

22          19. The Court sets a Status Conference regarding compliance with all fund distribution  
23 requirements under the Settlement for May 24, 2024 at 10:00 a.m., in Department 304 of the above-  
24 entitled Court. The parties shall file a status report regarding the distribution of settlement funds,  
25 accompanied by a declaration from the Settlement Administrator, no later than May 17, 2024.

26          20. Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and the  
27 employer share of payroll taxes, Plaintiff, the Settlement Class Members, and the Aggrieved Employees  
28 shall have, by operation of this Final Approval Order and related Judgment, fully, finally, and forever


1 release, relinquished, and discharged Defendant from the Released Claims described in the Settlement.  
2 Specifically, Plaintiff Arnulfo Gasca, Jr. is subject to a general release of claims as described in the  
3 Settlement (in addition to the Released Class and PAGA Claims); the Class Members are subject to a  
4 release of the Class Claims as described the Settlement; and the Aggrieved Employees are subject to a  
5 release of the Released PAGA Claims as described in the Settlement.

6 21. In accordance with California Rule of Court 3.771(b), Class Counsel are ordered to give  
7 notice of this Final Order and the Judgment to all Settlement Class Members and Aggrieved Employees  
8 by posting the Order and the Judgment for 90 calendar days on the Settlement Administrator's website.

9 22. Without affecting the finality of the Judgment or the Settlement, the Court shall retain  
10 exclusive and continuing jurisdiction over the above-captioned action and the Parties for purposes of  
11 enforcing the terms of the Judgment.

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13 IT IS SO ORDERED.

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15 Dated: August 9, 2023

16   
17 Ethan P. Schulman  
18 Judge of the Superior Court  
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**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On August 7, 2023, I electronically served ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA ACTION SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **AUG 07 2023**

Brandon E. Riley, Court Executive Officer

By: *Felicia Green*  
Felicia Green, Deputy Clerk