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Attorneys for Plaintiff Roger Westfall and Joseph M. Atwell, as individuals, and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

ROGER WESTFALL and JOSEPH M. ATWELL, as individuals, and on behalf of all others similarly situated

Plaintiffs,

vs.

NAES CORPORATION; and DOES 1 through 20, inclusive,

Defendants.

Case No. BCV-20-101796

Assigned for All Purposes to the Honorable Thomas S. Clark Department 17

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

Date: January 30, 2024
Time: 8:30 a.m.
Dept: 17

FILED
KERN COUNTY
FEB - 2 2024
BY *[Signature]* DEPUTY

1 This matter came on for hearing on January 30, 2024 at 8:30 a.m., in Department 17 of
2 the above-captioned Court on the unopposed Motion for Final Approval of Class Action
3 Settlement pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary
4 Approval filed August 24, 2023 and the Joint Stipulation of Settlement ("Settlement
5 Agreement"), a copy of which was filed in conjunction with the Plaintiff's Motion for
6 Preliminary Approval of Class Action Settlement.

7 Having received and considered the Settlement Agreement, the Addendum to Settlement
8 Agreement, the supporting papers filed by the Parties, and the evidence and argument received by
9 the Court in conjunction with the unopposed Motion for Preliminary Approval of Class Action
10 Settlement heard August 24, 2023 and the instant Motion for Final Approval, the Court grants
11 final approval of the Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING
12 DETERMINATIONS:

13 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
14 each Settlement Class Member by first-class mail. These papers informed the Settlement Class
15 of the terms of the Settlement, their right to receive an Individual Settlement Payment, their right
16 (a) to comment on or object to the Settlement, (b) to request exclusion from the Settlement and
17 pursue their own remedies, and (c) of their right to appear in person or by counsel at the final
18 approval hearing and to be heard regarding approval of the Settlement. Adequate periods of time
19 were provided by each of these procedures. No member of the Class filed written objection to
20 the proposed Settlement as part of this notice process or stated an intention to appear at the final
21 approval hearing.

22 2. The Court finds and determines that this notice procedure afforded adequate
23 protections to Settlement Class Members and provides the basis for the Court to make an informed
24 decision regarding approval of the Settlement based on the responses of the Settlement Class.
25 The Court finds and determines that the notice provided in this case was the best notice
26 practicable, which satisfied the requirements of law and due process.

27 3. With respect to the Settlement Class and for purposes of approving this Settlement
28 only, this Court finds and concludes that: (a) the members of the Settlement Class are

1 ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions
2 of law or fact common to the Settlement Class, and there is a well-defined community of interest
3 among members of the Settlement Class with respect to the subject matter of the Action; (c) the
4 claims of Class Representatives Roger Westfall and Joseph M. Atwell are typical of the claims of
5 the members of the Settlement Class; (d) the Class Representatives have fairly and adequately
6 protected the interests of the members of the Settlement Class; (e) a class action is superior to
7 other available methods for an efficient adjudication of this controversy; and (f) the counsel of
8 record for the Class Representatives, i.e., Class Counsel, are qualified to serve as counsel for
9 Plaintiffs in their individual and representative capacities for the Class.

10 4. The Court has certified a Settlement Class, as that term is defined in and by the
11 terms of the Settlement Agreement as all current and former non-exempt employees who are or
12 were employed by Defendant NAES Corporation in California at any time during the Class
13 Period of April 6, 2016 through August 24, 2023, and the Court deems this definition sufficient
14 for purposes of California Rule of Court 3.765(a).

15 5. The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

16 6. The Court hereby confirms Plaintiffs Roger Westfall and Joseph M. Atwell as the
17 Class Representatives in this Action.

18 7. The Court finds and determines that the terms set forth in the Settlement
19 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
20 according to its terms, having found that the Settlement was reached as a result of informed and
21 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
22 that the Parties conducted extensive investigation, research, and discovery and that their attorneys
23 were able to reasonably evaluate their respective positions. The Court also finds that the
24 Settlement will enable the Parties to avoid additional and potentially substantial litigation costs,
25 as well as delay and risks if the Parties were to continue to litigate the case. The Court has
26 reviewed the monetary recovery provided as part of the Settlement and recognizes the significant
27 value accorded to the Class.

