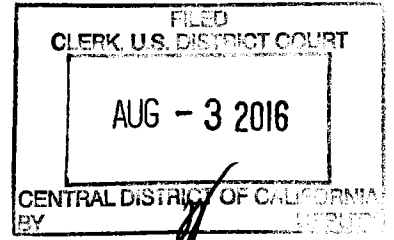


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SANTOS A. MARTINEZ and RAMON FLORES VALDEZ on behalf of themselves, all others similarly situated, and the general public,

Plaintiffs,

vs.

ANNING-JOHNSON COMPANY, a Delaware corporation; and DOES 1-10, inclusive,

Defendants.

ENRIQUE OROZCO, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ANNING-JOHNSON COMPANY, a Delaware Corporation, and DOES 1-50, inclusive,

Defendants.

CASE NO. 2:14-cv-06325-GHK (Ex)

**JUDGMENT AND ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION/COLLECTIVE
ACTION SETTLEMENT AND
AWARDING ATTORNEYS' FEES,
COSTS, AND ENHANCEMENT
AWARDS**

1 CESAR OROZCO aka JESUS
2 CHAVEZ, individually and on behalf of
3 all other similarly situated non-exempt
4 former and current employees,

5 Plaintiffs,

6 vs.

7 ANNING-JOHNSON COMPANY, a
8 Delaware corporation; and DOES 1-100,
9 inclusive,

10 Defendants.
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1 Santos Martinez, Ramon Flores-Valdez, Enrique Orozco, and Cesar Orozco,
2 a/k/a Jesus Chavez (collectively “Plaintiffs,” “Named Plaintiffs,” or “Class
3 Representatives”) and Anning-Johnson Company (“Defendant” or “AJC”) have
4 reached a settlement of a putative class action/collective action.

5 On January 20, 2016, this Court: (1) preliminarily certified a class for
6 settlement purposes; (2) preliminarily certified a collective class under the Fair
7 Labor Standards Act (“FLSA”); (3) preliminarily approved the terms of the
8 proposed class action/collective action Settlement; and (4) authorized notice to the
9 Settlement Class and Settlement Collective Class of the terms of the proposed
10 Settlement. Having completed the process of providing notice to the Settlement
11 Class and the Settlement Collective Class, and no objectors having come forward,
12 Plaintiffs move for final approval of a class action and collective action settlement
13 of the claims asserted against Defendant in this action, memorialized in the Class
14 Action, Collective Action, And Representative Action Settlement Agreement
15 (Amended, And As Further Amended January 2016) (“Settlement Agreement” or
16 “Agreement”). Capitalized terms in this Order shall have the same meaning as in
17 the Settlement Agreement unless otherwise stated.

18 After reviewing the Settlement Agreement, Plaintiffs’ Unopposed Motion for
19 Final Approval, Plaintiffs’ Motion for Attorneys’ Fees and Costs, Settlement
20 Administration Costs, and Enhancement Awards, and other related documents, and
21 having heard the argument of counsel for the respective Parties, **IT IS HEREBY**
22 **ORDERED AS FOLLOWS:**

23 1. The Court has jurisdiction over the Parties to this action, including all
24 members of the Final Settlement Class and Settlement Collective Class as defined
25 in the Settlement Agreement.

26 2. The Court finds, for purposes of settlement only, that the proposed Final
27 Settlement Class satisfies the applicable standards for certification under Federal
28 Rule of Civil Procedure 23. The requirements of Rule 23(a) are satisfied because

1 the Final Settlement Class is so numerous that joinder of all Final Settlement Class
2 members is impracticable, there are questions of law or fact common to the Final
3 Settlement Class, the claims of Plaintiffs are typical of the claims of the Final
4 Settlement Class, and Plaintiffs will fairly and adequately protect the interest of the
5 Final Settlement Class. The requirements of Rule 23(b)(3) are satisfied because
6 questions of law or fact common to Final Settlement Class Members predominate
7 over any questions affecting only individual Final Settlement Class Members, and
8 the class action device is superior to other available methods for fairly and
9 efficiently adjudicating this controversy. Accordingly, solely for purposes of
10 effectuating this Settlement, the Court hereby certifies the Final Settlement Class.

11 3. The Court finds that the proposed Settlement Collective Class satisfies
12 the applicable standards for certification of a collective action under the FLSA in
13 that members of the Settlement Collective Class are similarly situated.
14 Accordingly, solely for purposes of effectuating this Settlement, the Court hereby
15 certifies the Settlement Collective Class.

16 4. The Court hereby grants final approval of the Settlement Agreement as
17 it meets the criteria for final settlement approval. The Settlement is fair, adequate,
18 and reasonable; appears to be the product of arm's-length and informed
19 negotiations; and treats all Final Settlement Class Members and Settlement
20 Collective Class Members fairly.

21 5. The Class Notice approved by the Court was provided by First Class
22 direct mail to the last-known address of each of the individuals identified as
23 Settlement Class Members (the Class Notice included an FLSA Opt-In Form for
24 those individuals who were also Potential Settlement Collective Class Members),
25 after first processing such addresses through the U.S. Postal Service change-of-
26 address database. Follow-up efforts were made to send the Class Notice to those
27 individuals whose original Class Notices were returned as undeliverable. The Class
28 Notice adequately described all of the relevant and necessary parts of the proposed

1 Settlement Agreement, the right of Potential Settlement Collective Class Members
2 to opt in to the FLSA portion of the Settlement and the procedures for doing so, the
3 request for service payments to the Class Representatives and for reimbursement to
4 the Settlement Administrator, and Settlement Class Counsel's request for an award
5 of attorneys' fees and costs.

6 6. The Court has determined that the Notice given to the Settlement Class
7 and Settlement Collective Class fully and accurately informed the Settlement Class
8 and Settlement Collective Class of all material elements of the proposed Settlement,
9 constituted the best practicable notice, and fully meets the requirements of Federal
10 Rule of Civil Procedure 23, the FLSA, and all applicable constitutional
11 requirements.

12 7. There were no requests for exclusion from the Settlement. The names
13 of the 197 Final Settlement Class Members (including Named Plaintiffs) have been
14 filed with the Court in conjunction with Plaintiffs' Unopposed Motion for Final
15 Approval. The Court hereby orders that all Final Settlement Class Members have
16 released all claims or causes of action settled under the terms of Paragraph 81 of the
17 Settlement Agreement. All Final Settlement Class Members are hereby forever
18 barred and enjoined from commencing or prosecuting any of the claims, either
19 directly, representatively, or in any other capacity, that are released by Paragraph 81
20 of the Settlement Agreement.

21 8. Having receiving no objections, and the time for submitting such
22 objections having passed, the Court finds that no valid objections have been
23 submitted and no objections will be considered by the Court. Final Settlement
24 Class Members and Settlement Collective Class Members who did not timely
25 object to the Settlement set forth in the Settlement Agreement are barred from
26 prosecuting or pursuing any appeal of this Order.

27 9. A total of 83 individuals validly and timely opted-in to the Settlement
28 Collective Class, including the Named Plaintiffs. A total of three individuals

1 submitted Opt-In Forms that were dated prior to or on the Bar Date, but postmarked
2 after the Bar Date of April 22, 2016. These three individuals are: Herman Hoyos;
3 Jonathan Andrew O'Brien; and Martin R. Enriquez Penaran. All three of these late-
4 postmarked Opt-In Forms were post-marked within 14 days after the Bar Date. The
5 Parties do not object to the inclusion of these three individuals within the
6 Settlement Collective Class notwithstanding their late-postmarked Opt-In Forms.
7 No prejudice will result from the inclusion of these individuals in the Settlement
8 Collective Class and their inclusion in the Settlement Collective Class will not
9 delay the conclusion of this matter. Accordingly, the Court deems these three
10 individuals (i.e., Herman Hoyos; Jonathan Andrew O'Brien; and Martin R.
11 Enriquez Penaran) to be included in the Settlement Collective Class
12 notwithstanding their belated submission of the required Opt-In Form. This results
13 in a total of 86 individuals in the Settlement Collective Class (including Named
14 Plaintiffs). The names of these individuals and the written consent by such
15 individuals to join this action were filed with the Court in conjunction with
16 Plaintiffs' Unopposed Motion for Final Approval.

17 10. The Court hereby orders that all Settlement Collective Class Members
18 have released all claims or causes of action settled under the terms of Paragraph 82
19 of the Settlement Agreement (this release is in addition to the release under
20 Paragraph 81 of the Settlement Agreement to which such individuals are also
21 bound). All Settlement Collective Class Members are hereby forever barred and
22 enjoined from commencing or prosecuting any of the claims, either directly,
23 representatively, or in any other capacity, that are released by Paragraph 82 of the
24 Settlement Agreement.

25 11. The Settlement embodied in the Settlement Agreement is not an
26 admission by Defendant nor is this Order a finding of the validity of any claims in
27 the Litigation or of any wrongdoing by Defendant. Neither this Order, the
28 Settlement Agreement, any document referred to herein, nor any action taken to

1 carry out the terms of the Settlement Agreement may be construed as, or may be
2 used as, an admission by or against Defendant of any fault, wrongdoing, or liability
3 whatsoever.

4 12. The Total Settlement Amount shall be dispersed in accordance with the
5 Settlement Agreement.

6 13. Plaintiffs Santos Martinez, Ramon Flores-Valdez, Enrique Orozco, and
7 Cesar Orozco, a/k/a Jesus Chavez are appointed as Class Representatives for
8 purposes of settlement. The Court awards Class Representatives Santos Martinez,
9 Ramon Florez-Valdez, and Enrique Orozco Enhancement Awards of \$3,000 each
10 as fair and reasonable compensation for their services. The Court awards Class
11 Representative Cesar Orozco, a/k/a Jesus Chavez, an Enhancement Award of
12 \$2,000 as fair and reasonable compensation for his services. All of the
13 Enhancement Awards will be paid from the Total Settlement Amount as set forth in
14 the Settlement Agreement.

15 14. The Court hereby directs payment of \$12,500.00 to the Settlement
16 Administrator, CPT Group, Inc., from the Total Settlement Amount.

17 15. The Court approves the settlement of claims under the California
18 Private Attorneys' General Act ("PAGA"), Cal. Labor Code §2698 *et seq.*, as set
19 forth in the Settlement Agreement and approves payment to the California Labor
20 and Workforce Development Agency in the amount of \$18,750.00 from the Total
21 Settlement Amount pursuant to the Settlement Agreement.

22 16. Paul T. Cullen of The Cullen Law Firm, APC, James Hawkins and
23 Gregory Mauro of James Hawkins APLC, and Grant Joseph Savoy, Shoham
24 Solouki, and Lindsay Salk of Solouki Savoy, LLP are appointed as Settlement
25 Class Counsel for purposes of settlement. Plaintiffs' application for attorneys' fees
26 and reimbursement of litigation costs is granted as follows: Upon consideration of
27 the relevant factors, the Court grants an award of attorneys' fees in the amount of
28 \$425,000, representing 25% of the Total Settlement Amount. *See Vizcaino v.*

1 *Microsoft Corp.*, 290 F.3d 1043, 1048-50 (9th Cir. 2002). The Court grants
2 \$22,688.07 in litigation costs. The attorneys' fees and costs will be paid from the
3 Total Settlement Amount as set forth in the Settlement Agreement.

4 17. Settlement Checks payable to Final Settlement Class Members for
5 whom valid addresses are not available will be paid by the Settlement
6 Administrator to the State of California Unclaimed Property Fund.

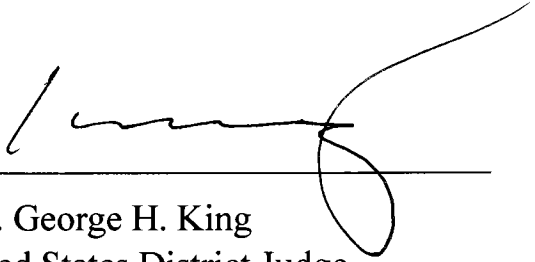
7 18. The Court finds that no just reason exists for delay in entering this
8 Judgment and Final Approval Order. Accordingly, the Clerk is hereby directed to
9 enter this Order as a Final Judgment. This Order shall constitute a final judgment
10 with respect to the claims of the Named Plaintiffs, the Final Settlement Class, and
11 the Final Settlement Collective Class for purposes of Rule 58 of the Federal Rules
12 of Civil Procedure.

13 19. The Court hereby orders that, without affecting the finality of the Final
14 Judgment, it reserves continuing jurisdiction over the matter and the Parties for the
15 purposes of implementing, enforcing, and/or administering the Settlement or
16 enforcing the terms of the Judgment.

17 20. Immediately upon entry of this Judgment and Order, the Consolidated
18 Fourth Amended Complaint in this action shall be dismissed in its entirety with
19 prejudice.

20 **IT IS SO ORDERED.**

21
22 DATED: 8/3/14

23 
24 _____
25 Hon. George H. King
26 United States District Judge
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