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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CECILIA LOPEZ, RACHEL BURCIAGA, and
ERNESTO SUAZO, on behalf of themselves,
and all others similarly situated,

Plaintiffs,

v.

THE CITY OF MONTEBELLO; and DOES 1-
10, inclusive,

Defendants.

Case No. BC553076

[PROPOSED] FINAL JUDGMENT
APPROVING CLASS ACTION
SETTLEMENT

Date: March 8, 2016
Time: 10:00 AM
Location: Dept. 308
Judge: Hon. Jane L. Johnson

Complaint Filed: July 29, 2014
Trial Date: None Set

1 Plaintiffs' Motion for Final Approval of Class Action Settlement came for hearing before
2 this Court on March 8, 2016.

3 The Class is defined in this Action as follows: any and all individuals employed by the City
4 as part- or full-time bus drivers during the time period from April 28, 2010 through the Preliminary
5 Approval Date (October 9, 2015).

6 The claims released ("Released Claims") are as follows: any and all claims, rights,
7 demands, liabilities, and causes of action of every nature and description, known and unknown,
8 in law or in equity, whether or not concealed or hidden, asserted or that might have been asserted by
9 Plaintiffs and/or any Class Member, as alleged in the Complaint filed in the Litigation, arising from
10 or related to the following claims against Defendant: (1) Failure to Provide Off Duty Meal Periods
11 in Violation of Labor Code Sections 226.7 and 512 and the applicable section of the Applicable
12 Wage Order; and (2) Failure to Authorize and Permit Rest Breaks in Violation of Labor Code
13 section 226.7 and the applicable section of the applicable Wage Orders. Released Claims shall also
14 mean any other claims related to the underlying Labor Code claims alleged in the Complaint filed
15 in this Litigation, that are held by all individuals, known or unknown, that were or could have been
16 brought under the California Labor Code, the applicable Industrial Wage Orders, the Fair Labor
17 Standards Act, Business and Professions Code section 17200 and the Private Attorney General Act,
18 including any damages, restitution, interest, waiting time penalties, punitive damages, attorney's
19 fees and costs, or any other further relief related to the Labor Code claims alleged in the Complaint
20 for the Class Period.

21 By the Order dated March 8, 2016, the Court granted Plaintiffs' Motion for Final Approval
22 of Class Action Settlement ("Final Approval Order"). After considering all the arguments and
23 submissions for and against final approval of the proposed settlement, and the Court being fully
24 advised, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

- 25 1. The Court adopts the defined terms set forth in the Stipulation and Agreement to
26 Settle Class Action and Limited Release ("Settlement Agreement" or "Settlement").
- 27 2. The Court finds and determines that the proposed Class meets all of the legal

1 requirements for class certification, and confirms its Order Granting Preliminary Approval of Class
2 Action Settlement, filed October 9, 2015 (“Preliminary Approval Order”), wherein the Court
3 certified the Class.

4 3. The Court finds and determines that the distribution of the Notice to the Class
5 Members as set forth in the Settlement Agreement has been completed in conformity with the
6 Preliminary Approval Order, including individual notice to all Class Members who could be
7 identified through reasonable effort, and as otherwise set forth in the Settlement Agreement. The
8 Court finds that the Notice provided due and adequate notice of the proceedings and of the matters
9 set forth therein to the other Class Members. The Court finds that the Notice conformed with the
10 requirements of California Code of Civil Procedure section 382, California Civil Code section
11 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
12 and other applicable law; constituted the best notice practicable under the circumstances; and
13 satisfied the requirements of law and due process.

14 4. The Court finds that as of the filing date of Plaintiffs’ Motion for Final Approval, no
15 Class Member had objected to the terms of the Settlement, and no Class Member had requested
16 exclusion from the Settlement.

17 5. The Court finds that the Settlement was entered into in good faith, that the
18 Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and
19 applicable requirements for final approval of this class action Settlement under California law,
20 including the provisions of California Code of Civil Procedure section 382 and California Rule of
21 Court 3.769.

22 6. The Court finds that Settlement was obtained after extensive investigation, research
23 and discovery by qualified and experienced counsel. The Court further finds that the Settlement
24 was reached as a result of informed and non-collusive arm’s length negotiations facilitated by a
25 neutral mediator.

26 7. The Court finds that the terms of the Settlement are fair, reasonable and adequate to
27 the Class and to each Class Member, that all members of the Settlement Class will be bound by the
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1 Settlement, and that the settlement set forth in the Settlement Agreement is finally approved.

2 8. The Court holds that the Plaintiffs and all members of the Settlement Class shall
3 have, by operation of the Final Approval Order and this Judgment, fully, finally and forever
4 released, relinquished and discharged the City from the Released Claims defined by the terms of the
5 Settlement, which is defined above, and that all members of the Settlement Class shall be and are
6 hereby permanently barred and enjoined from the institution or prosecution of any and all of the
7 Released Claims under the terms of the Settlement.

8 9. The Court orders that the compensation to the participating members of the Class
9 shall be effected pursuant to the terms of the Settlement Agreement.

10 10. The Court approves the appointment of the law firm of Sundeen Salinas & Pyle as
11 Class Counsel.

12 11. The Court approves the appointment of Plaintiffs Cecilia Lopez, Rachel Burciaga,
13 and Ernesto Suazo as Class Representatives.

14 12. The Court approves and orders the payment of incentive awards to the Class
15 Representatives in the amount of \$24,000 total (\$8,000 each) to Plaintiffs Cecilia Lopez, Rachel
16 Burciaga, and Ernesto Suazo, which they will receive in addition to any recovery they may receive
17 under the Settlement. The Court finds that such awards are fair and reasonable in light of the Class
18 Representatives' time and efforts dedicated to this Action on behalf of the Settlement Class.

19 13. The Court approves and orders the payment of \$7,000.00 to Simpluris, Inc. for the
20 costs of administering the settlement. The Court acknowledges that the Parties have agreed that the
21 City will pay separately for additional administration fees, which are estimated to be \$800.00.

22 14. The Court approves the payment to Class Counsel of attorneys' fees and costs in the
23 amount of \$300,000.00. The Court finds such amounts to be fair and reasonable under the lodestar
24 analysis. The hourly rate charged by each attorney is reasonable based upon their respective years
25 of experience. The hourly rate charged by the paralegal is reasonable as well. The total number of
26 hours devoted to this litigation is reasonable as well. The Court further found that Class Counsel's
27 application for fees and costs was less than what was provided for in the Settlement. The

1 Settlement allowed Class Counsel to seek attorneys' fees up to 33.33% of the Gross Settlement
2 Amount (\$333,333.33) and litigation costs up to \$17,000.

3 15. The Court hereby enters judgment of the entire Action, with prejudice, pursuant to
4 the terms set forth in the Settlement Agreement. Without affecting the finality of this judgment, the
5 Court hereby retains continuing jurisdiction with respect to all matters related to the administration
6 and consummation of the Settlement, and any and all claims asserted in, arising out of or related to
7 the subject matter of the lawsuit, including, but not limited to, all matters and controversies related
8 to the interpretation, implementation and enforcement of the Settlement and all orders entered in
9 connection therewith.

10
11 Dated: _____

The Honorable Jane L. Johnson
JUDGE OF THE SUPERIOR COURT

14 Approved as to form.

15
16 Dated: _____

SUNDEEN SALINAS & PYLE

17
18 By: _____
19 Hunter Pyle
20 *Attorneys for Plaintiffs, Class Counsel*

21
22 Dated: _____

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

23
24 By: _____
25 Nate J. Kowalski/Barbara S. Van Ligten
26 *Attorneys for Defendant CITY OF MONTEBELLO*