

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

APR 03 2018

BY Patricia Vega
PATRICIA VEGA DEPUTY

1 Law Office of Joshua Cohen Slatkin
2 JOSHUA COHEN SLATKIN (SBN: 285090)
3 11726 San Vicente Blvd., Suite 200
4 Los Angeles, CA 90049
5 Telephone: 310-267-2699
6 Fax: 310-943-2757
7 jcohenslatkin@jcslaw4you.com
8 Attorney for Plaintiff, Jose Contreras

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**

11 JOSE CONTRERAS, an individual,
12 Plaintiff,

13 vs.

14 BRAVO BURGERS, INC; and DOES 1
15 through 50, inclusive,

16 Defendants.

Case No. CIVDS1603175

[Assigned for all Purposes to the Honorable
Bryan F. Foster of Department S22]

~~PROPOSED~~ **ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

Hearing Information

Date: April 3, 2018

Time: 8:30 a.m.

Department: S22

Judge: Hon. Bryan F. Foster

Complaint Filed: March 2, 2016

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 The Motion for Final Approval of Class Action Settlement came before this Court, the
3 Honorable Bryan F. Foster presiding, on April 3, 2018. The Court having considered the papers
4 submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. All terms used herein shall have the same meaning as defined in the Joint
6 Stipulation and Class Action Settlement Agreement (the "Settlement").

7 2. Consistent with the definitions provided in the Settlement, the terms "Settlement
8 Class" and "Settlement Class Members" shall refer to all persons employed by Defendant as all
9 former and current non-exempt employees in the State of California during the period from
10 March 2, 2012 to November 13, 2017 (the date of the Order of Preliminary approval), who have
11 not excluded themselves from the Settlement Class by filing a timely request for exclusion in
12 accordance with the requirements set forth in the Class Notice.

13 3. This Court has jurisdiction over the subject matter of this Action and over all
14 Parties to this Action, including all Class Members.

15 4. The Court finds that the Settlement Class is properly certified as a class for
16 settlement purposes only.

17 5. The Class Notice and Claim Form provided to the Settlement Class conforms with
18 the requirements of California Code of Civil Procedure section 382, California Civil Code section
19 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
20 and any other applicable law, and constitutes the best notice practicable under the circumstances,
21 by providing individual notice to all Class Members who could be identified through reasonable
22 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
23 therein to the other Class Members. The Class Notice and Claim Form fully satisfied the
24 requirements of due process.

25 6. The Court finds the Settlement was entered into in good faith, that the Settlement
26 is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
27 requirements for final approval of this class action settlement under California law, including the
28 provisions of California Code of Civil Procedure section 382 and California Rule of Court 3.769.

1 7. Zero (0) Class Members have objected to the terms of the Settlement.

2 8. Zero (0) Class Members have requested exclusion from the Class and are thus not
3 bound by the Settlement or this Settlement Order and Judgment.

4 9. Upon entry of this Settlement Approval Order and Judgment, the Settlement
5 Administrator shall distribute Settlement Awards to Authorized Claimants pursuant to the terms
6 of the Settlement.

7 10. In addition to any recovery that Plaintiff Jose Contreras (“Plaintiff”) may receive
8 under the Settlement as Settlement Class Members, and in recognition of his efforts on behalf of
9 the Settlement Class, the Court hereby approves the Incentive Award in the amount of
10 \$10,000.00.

11 11. The Court approves a Fee and Expense Award to Plaintiffs’ Counsel in the sums
12 of \$36, 630 for attorneys’ fees, and \$ 8, 094.50 in actual litigation costs.

13 12. The Court approves and orders payment of Administration Costs in the amount of
14 \$5,000.00 to Phoenix Class Action administration solutions for performance of its services as the
15 Settlement Administrator.

16

17 13. The Court approves the PAGA Award of \$5,000.00.

18 14. The Parties are to give notice to all Settlement Class Members of this Settlement
19 Order and Judgment in accordance with California Rule of Court 3.771(b) by having the
20 Settlement Administrator post this Settlement Order and Judgment to its website for a period of
21 sixty (60) days.

22 15. Upon the Effective Date, Plaintiff and Settlement Class Members shall have, by
23 operation of this Settlement Order and Judgment, fully, finally and forever released, relinquished,
24 and discharged Defendants and the Released Parties from their Released Claims as defined by the
25 terms of the Settlement.

26 16. Upon the Effective Date, Plaintiff and all Settlement Class Members shall be and
27 are hereby permanently barred and enjoined from the institution or prosecution of any and all of
28 their respective Released Claims under the terms of the Settlement.

1 17. All funds represented by Settlement Awards that Authorized Claimants fail to cash
2 the checks for within 180 days of their issuance will be paid to the Bet Tzedek Legal Services as a
3 *cy pres* recipient.

4 18. Upon completion of administration of the Settlement, the Parties shall file a
5 declaration from the Settlement Administrator stating that all claims have been paid and that the
6 terms of the Settlement have been completed.

7 19. This Settlement Order and Judgment is intended to be a final disposition of the
8 Action in its entirety, and is intended to be immediately appealable.

9 20. This Court shall retain jurisdiction pursuant to California Code of Civil Procedure
10 section 664.6 with respect to all matters related to the administration and consummation of the
11 Settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of
12 the Action, including but not limited to all matters related to the Settlement and the determination
13 of all controversies relating thereto.

IT IS SO ORDERED.

14
15
16 APR 03 2018

17 Dated: _____

BY **BRYAN F. FOSTER** _____

18 San Bernardino County Superior Court Judge
19 Bryan Foster