

JUN 23 2017

Sherri R. Carter, Executive Office/Clerk
By: Brianna Smith, Deputy
Brianna Smith

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

STEVEN VEGA and JAVIER MORRONE,
individuals on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

LANGHAM HOTELS PACIFIC
CORPORATION, a Delaware corporation; and
DOES 1 to 10 inclusive,

Defendants.

Case No. BC572323

Hon. Maren E. Nelson / Dept. 307

CLASS ACTION / COMPLEX

~~[PROPOSED]~~ FINAL JUDGMENT

Complaint Filed: February 13, 2015
Complex Order: April 7, 2015
Trial Date: Not Assigned

RECEIVED
Central Civil West
JUN 07 2017

Date Processed _____
By: [Signature]

1 ~~PROPOSED~~ FINAL JUDGMENT

2 WHEREAS, on August 31, 2016, the Court entered an Order granting preliminary
3 approval of the class action settlement in the case styled *Steven Vega et al. v. Langham Hotels*
4 *Pacific Corporation*, Case No. BC572323 (“Settlement”);

5 WHEREAS, on May 24, 2017, the Court entered an Order granting final approval of the
6 Settlement following a final fairness hearing;

7 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as
8 follows:

9 1. The Court’s Order Granting Motion for Final Approval of Class Action Settlement,
10 entered on May 24, 2017, is incorporated by reference into this Final Judgment.

11 2. The Court finally approves the Settlement as fair, reasonable, adequate and in the
12 bests interests of the “Settlement Class” defined in paragraph 3 below.

13 3. Solely for the purpose of settlement, the Court finally certifies a “Settlement Class”
14 as follows: “any and all persons who are or were non-exempt hourly employees of Defendant
15 Langham Hotels Pacific Corporation in California at any time between February 13, 2011 and
16 August 31, 2016 who were distributed any non-discretionary charge to customers by Defendant as
17 part of their pay.”

18 4. The Settlement Class is certified for settlement purposes only, and the certification
19 should not be construed as an admission by Defendant with respect to any of the allegations
20 against it or on behalf of the members of the Settlement Class.

21 5. The Court appoints Plaintiffs Steven Vega and Javier Morrone as representatives of
22 the Settlement Class.

23 6. The Court appoints the law firm of Hayes Pawlenko LLP as counsel for the
24 Settlement Class.

25 7. The Court appoints Phoenix Settlement Administrators as the settlement
26 administrator.

27 8. The parties, their counsel, and the settlement administrator shall take all steps
28 necessary to implement and consummate the Settlement according to its terms and provisions.

1 9. The Court finds that the notice of settlement to the Settlement Class and notice
2 methodology implemented by the parties following the Order granting preliminary approval of the
3 Settlement (i) constituted the best practicable notice; (ii) constituted notice that was reasonably
4 calculated, under the circumstances, to apprise the Settlement Class of the pendency of the action,
5 their right to object to or exclude themselves from the Settlement and their right to appear at the
6 final fairness hearing; (iii) were reasonable and constituted due, adequate and sufficient notice to
7 persons entitled to receive notice; and (iv) met all applicable requirements of the California Code
8 of Civil Procedure, the California and United States Constitutions (including the Due Process
9 Clauses), the California Rules of Court and any other applicable law.

10 10. The Court finds that no individuals have requested exclusion from the Settlement
11 Class. Therefore, all Settlement Class members are bound by this Final Judgment.

12 11. The Court finds that all Settlement Class members have released (i) the causes of
13 action pled in the Complaint and (ii) the causes of action that could have been pled based on the
14 facts alleged in the Complaint, from February 13, 2011 through August 31, 2016.

15 12. Plaintiffs, the Settlement Class, and any person or entity acting on their behalf, are
16 permanently barred and enjoined from filing, commencing, prosecuting, intervening in,
17 participating in (as class members or otherwise), or receiving any benefits or other relief from, any
18 other lawsuit, in any state or federal court, arbitration, or administrative, regulatory or other
19 proceeding or order in any jurisdiction based on the claims released by this Final Judgment.

20 13. The Court grants a class representative enhancement award in the amount of
21 \$6,500.00 to Plaintiff Steven Vega, which shall be paid in accordance with the terms of the
22 Settlement.

23 14. The Court grants a class representative enhancement award in the amount of
24 \$5,000.00 to Plaintiff Javier Morrone, which shall be paid in accordance with the terms of the
25 Settlement.

26 15. The Court grants Plaintiffs' counsels' request for an award of attorneys' fees in the
27 amount of \$216,666.66 and costs in the amount of \$15,551.14, which shall be paid in accordance
28 with the terms of the Settlement.

1 16. The Court grants Plaintiffs' application for settlement administration fees and
2 expenses to be paid to Phoenix Settlement Administrators in the amount of \$8,800.00, which shall
3 be paid in accordance with the terms of the Settlement.

4 17. The Court orders \$3,333.33 in PAGA penalties, of which \$2,500.00 shall be paid to
5 the Labor & Workforce Development Agency and \$833.33 shall be paid to Settlement Class
6 members in accordance with the terms of the Settlement.

7 18. The Court orders Plaintiffs' counsel to provide notice to the Settlement Class
8 Members pursuant to California Rules of Court, Rule 3.771(b) by directing Phoenix Settlement
9 Administrators to post a copy of this Final Judgment on its website in accordance with the terms
10 of the Settlement.

11 19. A Non-Appearance Case Review re: Final Report re: Distribution of Settlement
12 Funds is set for December 15, 2017. Plaintiffs shall file a final report summarizing all
13 distributions made pursuant to this Final Judgment no later than December 8, 2017.

14 20. Pursuant to California Rules of Court, Rule 3.769(h), final judgment is hereby
15 entered in accordance with the terms of the Settlement and this Final Judgment.

16 IT IS SO ORDERED.

17
18 MAREN E. NELSON

19 Dated: 6/23/17

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21 HON. MAREN E. NELSON
22 Judge of the Superior Court
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My business address is 595 E. Colorado Blvd., Ste. 303, Pasadena, CA 91101.
3. I served copies of the following documents (specify the exact title of each document served):

NOTICE OF ENTRY OF JUDGMENT OR ORDER

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

BAKER & HOSTETLER LLP
Sabrina L. Shadi
Shareef S. Farag

5. **By electronic transmission via CASE ANYWHERE.** Based on a Court order to serve documents by electronic transmission, I caused the documents to be served through CASE ANYWHERE on all parties appearing on the electronic service list in this case.

6. I served the documents by the means described in item 5 on *(date)*: June 29, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6/29/17

DATE

Kye D. Pawlenko

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)