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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
01/12/2018 at 02:27:00 PM
Clerk of the Superior Court
By Lee McAlister, Deputy Clerk

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Attorneys for Plaintiffs Tatum Dilley and
Simone Penn

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO—CENTRAL DISTRICT

Tatum Dilley, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

W San Diego Hotel, LLC DBA W San
Diego; W Hotel Management, Inc. DBA W
San Diego; RP SCS WSD Hotel, L.L.C.
DBA W San Diego; Starwood Hotels &
Resorts Worldwide, Inc. DBA W San
Diego; Starwood Hotels & Resorts
Management Company, Inc. DBA W San
Diego; Sheraton Operating Corporation
DBA W San Diego; and Doe One through
Ten, inclusive,

Defendants.

Case No.: 37-2015-00009824-CU-OE-CTL

(Consolidated with 37-2015-00013479-CU-OE-
CTL and 37-2016-00009962-CU-WT-CTL)

~~[PROPOSED]~~ JUDGMENT

Hon. Joan M. Lewis
Dept. C-65

Hearing Date: January 12, 2018
Time: 8:30 a.m.
Place: Dept. C-65
330 West Broadway
San Diego, California 92101

Complaint Filed: March 23, 2015
Trial Date: None

Tatum Dilley, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

W San Diego Hotel, LLC DBA W San
Diego; W Hotel Management, Inc. DBA W

Case No.: 37-2015-00013479-CU-OE-CTL
Complaint Filed: April 22, 2015

1 San Diego; RP SCS WSD Hotel, L.L.C.)
2 DBA W San Diego; Starwood Hotels &)
3 Resorts Worldwide, Inc. DBA W San)
4 Diego; Starwood Hotels & Resorts)
5 Management Company, Inc. DBA W San)
6 Diego; Sheraton Operating Corporation)
7 DBA W San Diego; and Doe One through)
8 Ten, inclusive,)

9 Defendants.)

10 Tatum Dilley,)

11 Plaintiff,)

12 v.)

13 W San Diego Hotel, LLC DBA W San)
14 Diego; W Hotel Management, Inc. DBA W)
15 San Diego; RP SCS WSD Hotel, L.L.C.)
16 DBA W San Diego; Starwood Hotels &)
17 Resorts Worldwide, Inc. DBA W San)
18 Diego; Starwood Hotels & Resorts)
19 Management Company, Inc. DBA W San)
20 Diego; Sheraton Operating Corporation)
21 DBA W San Diego; and Doe One through)
22 Ten, inclusive,)

23 Defendants.)
24)
25)
26)
27)
28)

Case No.: 37-2016-00009962-CU-WT-CTL

Complaint Filed: March 24, 2016

1 On August 29, 2017, this Court entered an Order Granting Preliminary Approval of Class Action
2 Settlement, resulting in certification of the following provisional Settlement Class: non-exempt hourly
3 employees of the W San Diego Hotel who worked in departments providing food and beverage related
4 services between March 23, 2011 and December 14, 2015.

5 The Motion for Final Approval of Class Action Settlement, Attorneys' Fees and Service Awards
6 came before this Court on January 12, 2018, which the Court granted.

7 Having considered the proposed Settlement Agreement as well as all papers filed, IT IS
8 ORDERED AND ADJUDGED AS FOLLOWS:

9 1. The Court finds that the Settlement Class is properly certified as a class for settlement
10 purposes only.

11 2. The Notice provided to the Settlement Class conforms with the requirements of
12 California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of
13 Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and
14 constitutes the best notice practicable under the circumstances, by providing individual notice to all
15 Class Members who could be identified through reasonable effort, and by providing due and adequate
16 notice of the proceedings and of the matters set forth therein to the other Class Members. The notice
17 fully satisfied the requirements of due process.

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

22 4. Zero Class Members have objected to the terms of the Settlement.

23 5. Zero Class Members have requested exclusion from the Settlement.

24 6. Upon entry of this Judgment, compensation to the participating members of the
25 Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

26 7. In addition to any recovery that Plaintiffs may receive under the Settlement, and in
27 recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court hereby approves the
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1 payment of an incentive award to Plaintiff Tatum Dilley in the amount of \$3,000.00 and the payment of
2 an incentive award to Plaintiff Simone Penn in the amount of \$3,000.00.

3 8. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
4 \$50,000.00. The apportionment of attorneys' fees is as follows: \$25,000.00 to Law Office of Jonathan
5 Ricasa and \$25,000.00 to Briana Kim, PC.

6 9. The Court approves the reimbursement of litigation expenses in the sum of \$15,000.00.
7 The apportionment of litigation expenses is as follows: \$13,659.68 to Law Office of Jonathan Ricasa
8 and \$1,340.32 to Briana Kim, PC.

9 10. The Court approves a payment of \$2,250.00 to California's Labor & Workforce
10 Development Agency.

11 11. The Court approves and orders payment in the amount of \$7,000.00 to Phoenix
12 Settlement Administrators for performance of its settlement claims administration services.

13 12. Any unclaimed funds in the Settlement Administrator's account as a result of the failure
14 to timely cash Settlement Share checks shall be distributed to the State of California, California
15 Department of Industrial Relations Unpaid Wage Fund, in the Class Member's name to be held as
16 unclaimed property.

17 13. Notice of this Judgment shall be given to the Class by posting this Judgment on the
18 Settlement Administrator's website.

19 14. Upon the Effective Date, the Plaintiffs and all members of the Settlement Class shall
20 have, by operation of this Judgment, fully, finally and forever released, relinquished, and discharged
21 Defendants from all claims as defined by the terms of the Settlement. Upon the Effective Date, all
22 members of the Settlement Class shall be and are hereby permanently barred and enjoined from the
23 institution or prosecution of any and all of the claims released under the terms of the Settlement.

24 15. This Court shall retain jurisdiction with respect to all matters related to the administration
25 and consummation of the settlement, and any and all claims, asserted in, arising out of, or related to the
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1 subject matter of the lawsuit, including but not limited to all matters related to the settlement and the
2 determination of all controversies relating thereto.

3 Dated: 01/12/2018
4 _____



5 Richard S. Whitney Judge of the Superior Court
6 For the Honorable Joan M Lewis.
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PROOF OF SERVICE

1 I am attorney for the plaintiffs herein, over the age of eighteen years, and not a party to the within
2 action. My business address is Law Office of Jonathan Ricasa, 15760 Ventura Boulevard, Suite 700,
3 Encino, California 91436. On January 2, 2018, I served the within documents: **[PROPOSED]**
JUDGMENT.

4 I caused such to be delivered by hand to:

5 N/a.

6 I am readily familiar with the Firm's practice of collection and processing correspondence for mailing.
7 Under that practice it would be deposited with the U.S. Postal Service on that same day with postage
thereon fully prepaid in the ordinary course of business, addressed as follows:

8 Sayaka Karitani
9 Hirschfeld Kraemer LLP
233 Wilshire Boulevard, Suite 600
10 Santa Monica, California 90401

11 Kenneth D. Sulzer
12 Constangy, Brooks, Smith & Prophete, LLP
1800 Century Park East, Suite 600
Los Angeles, California 90067

13 I declare under penalty of perjury that the above is true and correct. Executed on January 2, 2018, at
14 Los Angeles, California.

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18 _____
Jonathan Ricasa