

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO

FEB 05 2018

BY NADYA AVAKIAN
NADYA AVAKIAN, DEPUTY

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

10 JESUS HERNANDEZ CUEVAS,
11 individually, and on behalf of all others
12 similarly situated,

13 Plaintiffs,

14 vs.

15 GALE PACIFIC USA, INC., a Florida
16 corporation; INSPERITY PEO
17 SERVICES, L.P., a Delaware limited
18 partnership; OASIS OUTSOURCING,
19 INC., a Florida corporation; and DOES 1
20 through 100 inclusive,

21 Defendants.

CASE NO. CIVDS1509246
[Assigned for all Purposes to the Hon.
David Cohn - Dept. S26]

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
MOTION FOR ATTORNEY'S FEES,
COSTS AND ENHANCEMENT
AWARD

22 The Motion for Final Approval of Class Action Settlement ("Final Approval
23 Motion") and the Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive
24 Awards ("Fees, Costs, and Incentive Award Application") came on for hearing on
25 February 5, 2018, at 8:30 a.m., in Department S26 of the above-entitled Court. The
26 Parties appeared through their respective counsel of record.

27 No Class Members have submitted valid requests for exclusion. No class member
28 has objected. After reviewing all of the pleadings and evidence filed in support of the

1 Final Approval Motion and the Attorney's Fees, Costs, and Incentive Award Application,
2 and hearing any oral argument presented, the Court orders as follows:

3 **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

4 1. The Court has personal jurisdiction over the Parties, including all Class
5 Members, and has subject matter jurisdiction to approve the Settlement.

6 2. The Final Approval Motion and the Attorney's Fees, Costs, and Incentive
7 Award Application are granted.

8 3. The terms of the Settlement set forth in the fully executed Joint Stipulation
9 of Settlement and Release to Settle Class Action ("Settlement Agreement") was reached
10 after arm's-length negotiations between experienced counsel representing the Parties,
11 after thorough legal and factual investigation. The Settlement is fair, reasonable, and
12 adequate, consistent and in compliance with all applicable requirements of the California
13 Code of Civil Procedure, the California and United States Constitutions (including the
14 Due Process Clause), the California Rules of Court and any and all other applicable laws,
15 and in the best interest of each of the Parties and the Class Members. The Court
16 specifically finds that the Settlement is a fair, reasonable and adequate resolution of
17 Plaintiffs' claims given the risk and expense, complexity, and duration of further
18 litigation.

19 4. The Parties and their counsel are ordered to implement and to consummate
20 the proposed Settlement according to its terms and provisions.

21 5. The Court awards Named Plaintiff Jesus Hernandez Cuevas an incentive
22 award of \$5,000.00

23 6. The Court awards Phoenix Settlement \$10,000.00

24 7. The Court awards Rastegar Law Group attorneys fees of \$87,500.00

25 8. The Court awards Rastegar Law Group, APC costs in the amount of
26 \$8,933.68.

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1 9. The terms of the Settlement are binding on all Parties and any and all Class.

2 10. Eight individuals of the Temporary Worker Subclass were not included in
3 the final mailing list because the staffing agency that provided these individuals to
4 Defendant's California work-site was unable to locate any identifying information that
5 would reasonably allow the Settlement Administrator to locate their addresses. As such,
6 the following individuals are excluded from the Settlement Class because they did not
7 receive notice of the settlement: (1) Juan Bustamante; (2) Graciella Gomez; (3) Robert
8 Philips; (4) Terry Reeves; (5) Abrahan Salazar; (6) Arelic Serrano; (7) Raymond
9 Valdez; and (8) Jimenez Villalobos.

10 11. The Court retains jurisdiction over the parties to enforce the terms of the
11 judgment pursuant to Rule 3.769(h) of the California Rules of Court.

12 **IT IS SO ORDERED.**

13 Dated: February 5, 2018

DAVID COHN

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15 DAVID COHN
16 SUPERIOR COURT JUDGE
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