

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Civil Division

Central District, Spring Street Courthouse, Department 9

21STCV22694

RAFAEL GUTIERREZ, et al. vs M. ARGUESO & CO. INC., et al.

March 14, 2024
10:00 AM

Judge: Honorable Yvette M. Palazuelos
Judicial Assistant: R. Arraiga / E. Martinez
Courtroom Assistant: M. Tavakoli

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Hearing on Motion for Final Approval of Settlement; Notice of Entry of Judgment;

The matter is NOT called for hearing.

The Court's tentative rulings/orders and tentative judgment were served on the parties via Case Anywhere on 03/13/2024.

The parties submitted to the Court's tentative rulings/orders and tentative judgment via the Case Anywhere message board on 03/13/2024, with a stipulated request for an additional 120 days to give notice to the class members.

The Court grants the parties' stipulated request and will modify the tentative accordingly.

No Objectors appear this date in court.

The Court now adopts its modified tentative RULINGS/ORDERS RE: MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT as the final order of the court. Said ruling is signed and filed this date and is incorporated into the case file.

Judgment in the above-entitled matter is signed, filed, and entered this date.

The Court's ruling is as follows:

The Plaintiff's Motion for Final Approval of Class Action Settlement, Class Representative Service Award, and Attorneys' Fees and Costs filed by Rafael Gutierrez on 01/22/2024 is Granted. The Parties' Motion for Final Approval of Class Action Settlement is **GRANTED** as the settlement is fair, adequate, and reasonable.

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The essential terms are:

A. The Gross Settlement Amount (“GSA”) is \$250,000. [Escalator: Defendant represents that the approximately forty-five (45) Class Members have worked approximately 6,422 workweeks through May 17, 2022. If the actual number of workweeks worked by Class Members during the Class Period (i.e., through the date of Preliminary Approval or September 6, 2022 – whichever is sooner) grows by more than ten percent (10%), or more than the 7,065 workweeks, then Plaintiff has the option to nullify this Agreement. Plaintiff shall provide ten (10) business days’ notice of such intent to nullify prior to taking any action with the court. During this 10-day nullification notice period, Defendant at its exclusive discretion may cure by agreeing to increase the Class Settlement Amount proportionately for any excess increase in the total number of workweeks worked by Class Members during the Class Period. For example, if the total number of workweeks worked by Class Members during the Class Period increases by 11% beyond 6,422 workweeks (i.e., approximately 7,129 workweeks), the Class Settlement Amount will increase by 1% (actual increase minus the 10% tolerated increase). In the alternative, Defendant shall have the exclusive option to modify the applicable Class Period to a date prior to Preliminary Approval to avoid incurring the pro rata increase. (¶XII.2.)

B. The Net Settlement Amount is the GSA minus the following:

\$83,333.33 for attorney fees to Class Counsel, Sani Law, APC and Haines Law Group, APC;

\$15,240.95 for attorney costs to Class Counsel;

\$4,500 for settlement administration costs to Phoenix Settlement Administrators;

\$5,000 for an enhancement award to the class representative, Rafael Gutierrez;

\$15,000 (75% of \$20,000 PAGA penalty) to the LWDA.

C. Employer share of the payroll taxes on the taxable portion of the settlement payments shall be paid separately from the GSA by Defendant.

D. Plaintiffs release of Defendants from claims described herein.

By **08/15/2024**, Class Counsel must give notice to the class members pursuant to California Rules of Court, rule 3.771(b) and to the LWDA, if applicable, pursuant to Labor Code §2699 (1)(3).

By **03/17/2025**, Class Counsel must file a Final Report Re: Distribution of the Settlement Funds.

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If the report is **NOT** filed by said date subsequently an Order to Show Cause Hearing Re:
Sanctions hearing will be set.

**A Non-Appearence Case Review Re: Final Accounting and Distribution is scheduled for
03/24/2025 at 08:30 AM in Department 9 at Spring Street Courthouse.**

The Judicial Assistant to give notice to Counsel for Plaintiff who is ordered to give further and
formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 03/14/2024 <small>David W. Slayton, Executive Officer / Clerk of Court</small> By: <u> R. Arraiga </u> Deputy
PLAINTIFF: Rafael Gutierrez		
DEFENDANT: M. Argueso & Co. Inc.		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 21STCV22694

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order and FINAL RULINGS/ORDERS RE: MOTION FOR FINAL APPROVAL OF CLASS ACTION entered herein, on 03/14/2024, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at www.caseanywhere.com on 03/14/2024 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012 in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 03/14/2024

By: R. Arraiga
Deputy Clerk