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FILED
Superior Court of California
County of San Francisco

FEB 25 2020

CLERK OF THE COURT
BY: [Signature]
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10 DEVON GREER, individually and on behalf
11 of all others similarly situated,
12 Plaintiff,
13 v.
14 VIP PROTECTIVE SERVICES, INC., and
15 DOES 1 through 50, inclusive,
16 Defendants.

CASE NO. CGC 17-557109
[Hon. Richard B. Ulmer, Department 302]
~~[PROPOSED]~~ JUDGMENT
Date Filed: February 16, 2017

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~~[PROPOSED]~~ JUDGMENT

1. The Court hereby enters final judgment in this Action in accordance with terms of the Stipulation of Settlement and Release ("Settlement"), order granting preliminary approval of class action settlement ("Preliminary Approval Order"), and the final order approving class action settlement ("Final Order"). *See exhibit 1.*

2. Upon full and final payment by Defendant of the Gross Settlement Amount consistent with Paragraph 13 of the Settlement, Plaintiff/Class Representative and all Wage and Hour Class Members, and all PAGA Settlement Members, shall have by operation of the Final Order and this Judgment, fully, finally and forever released, relinquished, and discharged the Released Parties from the Released Wage and Hour Claims, the Released PAGA Claims, and the Class Representative's released claims, as those terms are respectively defined in the Settlement, and are hereby forever barred and enjoined from prosecuting such released claims against the Released Parties.

3. Without affecting the finality of the Final Order and/or this Judgment, pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California Rules of Court, the Court reserves exclusive and continuing jurisdiction over this Action, Plaintiff, Wage and Hour Settlement Class Members, PAGA Settlement Members, and Defendant for the purposes of supervising the implementation, enforcement, construction, and interpretation of the Settlement, the Procedural Order, the Final Order, and the Judgment.

IT IS SO ORDERED.

Dated: 2/20/20

Richard B. Ulmer
Hon. Richard B. Ulmer
Judge of the California Superior Court

SEE EXHIBIT "A" RE
COMPLIANCE WITH CRC 3.1312

FILED
San Francisco County Superior Court

JAN 3 2020

CLERK OF THE COURT

By: [Signature]
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEVON GREER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

VIP PROTECTIVE SERVICES, INC., and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. CGC 17-557109

[Hon. Richard B. Ulmer, Department 302]

~~[PROPOSED]~~ ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT

Date Filed: February 16, 2017

~~[PROPOSED]~~ ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Exhibit 1

ORDER

1
2 This matter came before this Court on Plaintiff Devon Greer's ("Plaintiff" or "Class
3 Representative") Motion for Final Approval of Class Action Settlement.

4 **WHEREAS**, the Court has received and reviewed the Stipulation of Settlement and Release
5 (the "Settlement") entered into between the Class Representative, on the one hand, and Defendant VIP
6 Protective Services, Inc., and has considered the terms of the proposed Settlement set forth therein;

7 **WHEREAS**, all terms contained herein shall have the same meanings as set forth in the
8 Settlement, unless otherwise defined herein;

9 **WHEREAS**, on July 2, 2019, the Court entered its Order preliminarily approving the
10 Settlement of this class action, approving the form and method of notice, and setting a date and time
11 for a final approval and hearing to consider whether the Settlement should be finally approved by the
12 Court pursuant to California Code of Civil Procedure Section 382 as fair, adequate, and reasonable
13 (the "Preliminary Approval Order");

14 **WHEREAS**, the Preliminary Approval Order further directed that all Wage and Hour
15 Settlement Class be given notice of the Settlement and of the date for the Final Approval and Fairness
16 Hearing;

17 **WHEREAS**, the Court has received the declaration of ILYM Group, Inc., the Settlement
18 Administrator, attesting to the mailing of the Notice Packet in accordance with the Preliminary
19 Approval Order;

20 **WHEREAS**, the settlement administration went forth as ordered by this Court;

21 **WHEREAS**, there have been no Objections regarding the Settlement;

22 **WHEREAS**, the Court having conducted a Final Approval and Fairness Hearing (the
23 "Fairness Hearing"), and having considered the arguments presented, all papers filed and all
24 proceedings had therein;

25 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

26 1. The Court retains jurisdiction over the subject matter of this action, all Wage and Hour
27 Settlement Class Members and PAGA Settlement Members (including Class Representative) and
28 Defendant to enforce the terms of the Judgment.

all

1 2. In accordance with California Code of Civil Procedure Section 382, California Rule of
2 Court 3.769 and the requirements of due process, the Wage and Hour Settlement Class has been given
3 proper and adequate Notice of the Settlement. Based upon the evidence submitted by the parties, the
4 Settlement Agreement, the arguments of counsel, and all the files, records and proceedings in this
5 case, the Court finds that the Notice Packet and Notice methodology implemented pursuant to the
6 Settlement Agreement and the Court's Preliminary Approval Order: (a) constituted the best practicable
7 notice under the circumstances; (b) constituted notice that was reasonably calculated, under the
8 circumstances, to apprise the Wage and Hour Settlement Class of the pendency of the litigation, their
9 right to object to the Settlement, and their right to appear at the final approval hearing; (c) was
10 reasonable and constituted due, adequate and sufficient notice to all persons entitled to notice; and (d)
11 met all applicable requirements of California Code of Civil Procedure Section 382, California Rule of
12 Court 3.769, and any other applicable law.

13 3. The Settlement in this action warrants final approval pursuant to California Code of
14 Civil Procedure Section 382 and Labor Code section 2699(1)(2) because it is fair, adequate, and
15 reasonable to those it affects, and resulted from vigorously contested litigation, substantial discovery,
16 motion practice, and extensive good-faith arm's length negotiations between the parties, and is in the
17 public interest considering the following factors:

- 18 (a) the strength of the Plaintiffs' case;
- 19 (b) the risk, expense, complexity and likely duration of further litigation;
- 20 (c) the risk of maintaining class action status throughout the trial;
- 21 (d) the amount offered in settlement;
- 22 (e) the extent of discovery completed, and the stage of the proceedings;
- 23 (f) the experience and views of counsel; and
- 24 (g) the reaction of the class members to the proposed settlement.

25 *Clark v. Am. Residential Servs. LLC*, 175 Cal. App. 4th 785, 799 (2009). Settlements that follow
26 sufficient discovery and genuine arm's length negotiation are presumed fair. *Dunk v. Ford Motor Co.*,
27 48 Cal. App. 4th 1794, 1802 (1996), *as modified* (Sept. 30, 1996). The Court finds the Settlement is
28 entitled to a presumption of fairness.

1 4. The Final Approval Motion is hereby GRANTED, and the Settlement is hereby
2 APPROVED as fair, reasonable, adequate, and in the public interest, and the terms of the Settlement
3 Agreement are hereby determined to be fair, reasonable and adequate, for the exclusive benefit of the
4 Settlement Class Members. The Parties are directed to consummate the Settlement in accordance with
5 its terms.

6 5. The Court APPROVES the funding of the Settlement in accordance with its terms.

7 6. The Court APPROVES payment of the requested Enhancement Payment to the Class
8 Representative in the amount of \$7,500.00 in accordance with the terms of the Settlement.

9 7. The Court APPROVES payment of attorneys' fees in the amount of \$36,666.67 and
10 costs in the amount of \$5,000.00 to Class Counsel in accordance with the terms of the Settlement
11 Agreement.

12 8. The Court APPROVES payment of costs to the Claims Administrator, ILYM Group,
13 Inc., for Settlement Administration Costs in the amount of \$6,500.00 in accordance with the terms of
14 the Settlement Agreement.

15 9. The allocation plan is hereby APPROVED as fair, adequate, and reasonable. The Net
16 Settlement Amount, as well as the Class Representative's Enhancement Payment, Settlement
17 Administrator's costs, the PAGA Payment, and Court Approved Class Counsel's attorneys' fees and
18 litigation costs shall be distributed in accordance with the terms of the Settlement Agreement and any
19 further orders of this Court.

20 10. In consideration of the Net Settlement Amount, and for other good and valuable
21 consideration, all Wage and Hour Settlement Class Members who have not timely excluded
22 themselves from this Settlement pursuant to its terms, and all PAGA Settlement Members, shall have
23 fully, finally, and forever released, relinquished, and discharged all claims against Defendant in
24 accordance with the terms of the Settlement and as the Wage and Hour Released Claims and PAGA
25 Released Claims are defined in the Settlement.

26 11. The Court hereby approves the procedure agreed to by the Parties regarding uncashed
27 settlement checks. Any funds for settlement checks that are not cashed within one-hundred twenty
28 (120) calendar days of issuance shall be provided by Claims Administrator, ILYM Group, Inc. to the

1 California State Controller, along with the relevant identifying information of each applicable payee
2 who failed to cash a settlement check, to be held pursuant to California's Unclaimed Property Law
3 ("UPL") (Cal Code Civ. Proc. §§ 1500 *et seq.*)

4 12. Without affecting the finality of this Order in any way, this Court retains jurisdiction
5 over: (a) implementation of the Settlement and the terms of the Settlement; (b) distribution of the Net
6 Settlement Amount, the Class Representative's Enhancement Payment, Settlement Administrator's
7 costs, and the attorneys' fees and costs amount; and (c) all other proceedings related to the
8 implementation, interpretation, administration, consummation, and enforcement of the terms of the
9 Settlement, and the administration of claims by Wage and Hour Settlement Class Members and PAGA
10 Settlement Members.

11 13. Per California Rules of Court, Rule 3.771(b), ILYM Group, Inc. is directed to post the
12 final judgment, once entered, on its website.

13 14. This Court finds that there is no just reason for delay and expressly directs entry by the
14 Clerk of the Court of Final Judgment.

15 15. This Court also orders dismissal with prejudice of the related civil action pending
16 before the Court identified by case number CGC 17-561798, filed on October 10, 2017:

17 **IT IS SO ORDERED.**

18
19 Dated: 1/3/20

Richard B. Ulmer (Ulmer)
20 Hon. Richard B. Ulmer
21 Judge of the California Superior Court
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ONE WILSHIRE BLVD., SUITE 2200
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TEL 213-612-0988
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February 13, 2020

VIA E-FILING

San Francisco Superior Court
Deputy Clerk
400 McAllister St.
San Francisco, CA 94102

**Re: *Greer v. VIP Protective Services, Inc.*
San Francisco Superior Court Case No. CGC-17-561798**

Dear Deputy Clerk:

In response to the Notice of Rejection attached hereto, we re-submit our proposed judgment concurrently herewith and provide the following information:

As indicated in the proof of service appended to the proposed judgment, we served the proposed judgment on Defendant's counsel via U.S. Mail on January 3, 2020. I spoke with Mr. Schreibstein and obtained his approval to submit the proposed judgment on January 3, 2020, before we submitted it to the Court. Other than the approval we received the day of filing, we have not received any other response from Defendant's counsel within five (5) days of mailing of the proposed judgment.

Accordingly, we request the Court enter judgment in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie E. Yasuda', with a long horizontal flourish extending to the right.

Stephanie E. Yasuda

SEY:gh

Encl.

cc: Jerome Schreibstein

EXHIBIT "A"

FEB 18 2020