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MADERA SUPERIOR COURT

MAY 14 2021

ADRIENNE Y. CALIP

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MADERA**

JOSE ARMANDO FERNANDEZ SANCHEZ,  
individually, and on behalf of all others similarly  
situated,

*Plaintiff,*

v.

TRI-IEST DAIRY, a business entity, form  
unknown; and DOES 1 through 10, inclusive,

*Defendants.*

Case No.: MCV082629

CLASS ACTION

[Hon. James E. Oakley, Dept. 45]

**[PROPOSED] JUDGMENT AND ORDER  
GRANTING PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: May 14, 2021

Time: 8:30 a.m.

Dept: 45

1 On December 18, 2020, this Court issued an Order Granting Preliminary Approval of  
2 Class Action Settlement. Plaintiff Jose Armando Fernandez Sanchez now seeks an order  
3 granting final approval of the Stipulation of Settlement ("Settlement"), attached to the  
4 Declaration of Justin F. Marquez in Support of Plaintiff's Motion for Final Approval of Class  
5 Action Settlement as Exhibit 1.

6 Due and adequate notice having been given to the Class, and the Court having  
7 reviewed and considered the Settlement, Plaintiff's Notice of Motion and Motion for Final  
8 Approval of Class Action Settlement, the supporting declarations and exhibits thereto, all  
9 papers filed and proceedings had herein, and the absence of any written objections received  
10 regarding the proposed settlement, and having reviewed the record in this action, and good  
11 cause appearing therefor,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

13 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the  
14 Settlement filed in this case.

15 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the  
16 Settlement Class Members, and Defendant Tri-Iest Dairy ("Defendant").

17 3. The Court finds that the Settlement appears to have been made and entered into in  
18 good faith and hereby approves the settlement subject to the limitations on the requested fees and  
19 enhancements as set forth below.

20 4. Plaintiff and all Settlement Class Members, ("Participating Class Members"), shall  
21 have, by operation of this Final Order and Judgment, fully, finally, and forever released,  
22 relinquished, and discharged Defendants from all Released Claims as defined in the Settlement.

23 5. The Parties shall bear their own respective attorneys' fees and costs, except as  
24 otherwise provided for in the Settlement and approved by the Court.

25 6. Solely for purposes of effectuating the settlement, the Court finally certified the  
26 following Class: "All persons who worked for Defendant in California as an hourly-paid or  
27 non-exempt employee during the Settlement Period."

28 7. The Settlement Period means the period from November 22, 2015 through

1 November 10, 2020.

2 8. No Class Members have objected to the terms of the Settlement.

3 9. No Class Members have requested exclusion from the Settlement.

4 10. The Notice provided to the Class conforms with the requirements of California  
5 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the  
6 circumstances, by providing individual notice to all Class Members who could be identified  
7 through reasonable effort, and by providing due and adequate notice of the proceedings and of  
8 the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of  
9 due process.

10 11. The Court will exclude the following 11 class members because we don't have  
11 their contact information: Serratos Jose Alberto, Casanova Alfredo, Guzman Antonio, Flores  
12 Enrique, Ramirez Isidro, Monge Jovanny, Serratos Manuel, Leiva Miguel, Aragon Camerino  
13 Parada, Ruiz Rolando, Mendoza Salvador.

14 12. The Court finds the Settlement Amount, the Net Settlement Amount, and the  
15 methodology used to calculate and pay each Participating Class Member's Net Settlement  
16 Payment are fair and reasonable, and authorizes the Settlement Administrator to pay the Net  
17 Settlement Payments to the Participating Class Members in accordance with the terms of the  
18 Stipulation.

19 13. Defendant shall pay the total of \$300,000.00 to resolve this litigation. Within  
20 fourteen calendar days from the date of this Order, Defendant shall deposit this amount and  
21 employer taxes into an interest-bearing trust account for the benefit of the participating Class  
22 Members and Class Counsel, through the Settlement Administrator. Thereafter, compensation to  
23 the Participating Class Members shall be disbursed pursuant to the terms of the Settlement (i.e.,  
24 within ten calendar days following the receipt of funds).

25 14. From the Settlement Amount, \$7,500.00 shall be paid to the California Labor and  
26 Workforce Development Agency, representing 75% of the penalties awarded under the terms of  
27 the Joint Stipulation and Amendment pursuant to the Labor Code Private Attorneys General Act  
28 of 2004, California Labor Code section 2698, *et seq.*

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15. From the Settlement Amount, \$7,500.00 shall be paid to the named Plaintiff for his service as a class representative and for his agreement to release claims.

16. From the Settlement Amount, \$10,000.00 shall be paid to the Settlement Administrator, ILYM Group, Inc.

17. The Court hereby confirms Bobby Saadian, Justin F. Marquez, Nicol E. Hajjar, and Rachel J. Vinson of Wilshire Law Firm, PLC as Class Counsel.

18. From the Settlement Amount, Class Counsel is awarded \$100,000.00 for their reasonable attorneys' fees and \$11,000.00 for their reasonable costs incurred in the Action. The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that the fees are reasonable in light of the benefit provided to the Class.

19. Notice of entry of this Final Approval Order and Judgment shall be given to Class Members by posting a copy of the Final Approval Order and the Judgment on ILYM Group, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order and Judgment.

20. Without affecting the finality of this Order in any way, this Court retains continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect to all Parties to this action, and their counsel of record.

21. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted and the Court directs that judgment shall be entered in accordance with the terms of this Order.

**IT IS SO ORDERED.**

DATE: **MAY 14 2021**

**JAMES E. OAKLEY**  
\_\_\_\_\_  
Hon. James E. Oakley  
Madera County Superior Court

