

~~Received~~   
~~January 27, 2025~~

**FILED**  
Clerk of the Superior Court

FEB 20 2025

By: R. Day, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

MICHAEL DEL TORO, *et al.*  
  
Plaintiff,  
  
vs.  
  
ABZENA (SAN DIEGO) INC., *et al.*  
  
Defendants.

Case No. 37-2023-00017443-CU-OE-CTL

*Hon. Joel R. Wohlfeil*  
*Dept. 73*

**CLASS ACTION**

~~[Proposed]~~ Order Granting Final Approval of  
Class Action Settlement and Attorneys' Fees and  
Costs and Entering Judgment

Continued Motion for Final Approval / Attorneys'  
Fees:

Date: February 20, 2025  
Time: 9:00 a.m.

[Filed concurrently with Notice of Unopposed  
Continued Motion and Motion for Final Approval of  
Class Action Settlement, Memorandum of Points and  
Authorities, Declaration of Nicholas J. Ferraro,  
Declaration of Settlement Administrator, Declaration  
of Michael Del Toro, and Declaration of Troy  
Aylwin]

Action Filed: April 25, 2023

1 This matter came on for hearing on February 20, 2025 at 9:00 a.m. in Department 73 of the  
2 above-captioned Court, the Honorable Joel R. Wohlfeil presiding, on (1) Plaintiffs’ Motion for Final  
3 Approval of Class Action Settlement and (2) Plaintiffs’ Motion for Attorneys’ Fees and Costs.

4 Having received and considered the motions and supporting papers, including the Class Action  
5 and PAGA Settlement Agreement (“Settlement”), the evidence and documents received by the Court  
6 in connection with the Motions for Final Approval and Attorneys’ Fees and Costs, and the previously  
7 decided Motion for Preliminary Approval, the Court GRANTS FINAL APPROVAL of the Settlement  
8 and ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

9 1. Pursuant to the terms of the Settlement and the Order Granting Preliminary Approval,  
10 and the Settlement, a notice was sent to each class member by first-class U.S. mail. The notice  
11 informed the class of the terms of the Settlement, their right to receive a settlement payment without  
12 any required action, their right to comment upon or object to the Settlement, and their right to appear  
13 in person or by counsel at the Final Approval Hearing and to be heard regarding approval of the  
14 Settlement. Adequate periods of time were provided for each of these procedures.

15 2. Zero class members returned a written objection to the proposed Settlement as part of  
16 the notice process or stated an intention to appear at the Final Approval Hearing and there were no  
17 dissenting appearances from class members at the hearing. One class member requested exclusion  
18 from the Settlement: Marija Roksic. This “opt out” is affirmatively excluded from the class settlement.

19 3. The Court finds and determines the notice procedure afforded adequate protections to  
20 the class and provides the basis for the Court’s informed decision regarding approval of the Settlement  
21 based on the response. The Court finds and determines the notice provided was the best notice  
22 practicable, satisfying the requirements of law and due process.

23 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the  
24 proposed class is ascertainable and so numerous that joinder of all members of the class is  
25 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-  
26 defined community of interest among members of the class with respect to the subject matter of the  
27 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class  
28 representative has and will fairly and adequately protect the interests of the class; (e) a class action is



1 superior to other available methods for an efficient adjudication of this controversy in the context of  
2 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate  
3 to serve as Class Counsel in this action.

4 5. The Court confirms certification, for settlement purposes only, of the class as defined in  
5 the Settlement and approved at the preliminary approval stage.

6 6. The Court finds and determines the terms set forth in the Settlement are fair, reasonable,  
7 and adequate and, having found the Settlement was reached as a result of informed and non-collusive  
8 arms'-length negotiations facilitated by a neutral and experienced mediator, directs the Parties to  
9 effectuate the Settlement according to its terms. The Court further finds the Parties conducted  
10 extensive investigation, research, and informal discovery, and that their attorneys were able to  
11 reasonably evaluate their respective positions. The Court also finds that Settlement will enable the  
12 Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the  
13 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery and  
14 recognizes the significant value provided to the Class. Therefore, the Court approves the Settlement  
15 and incorporates the terms of the Settlement in full into this Final Approval Order as though fully set  
16 forth herein.

17 7. The Court finds and determines the fees and expenses in administering the Settlement  
18 incurred by the Settlement Administrator of \$10,000.00 are fair and reasonable. The Court orders  
19 these administration costs be paid in accordance with the terms of the Settlement.

20 8. The Court finds and determines the Service Awards of \$10,000 to Plaintiff Del Toro  
21 and Plaintiff Troy Aylwin as fair and reasonable. The Court orders the service awards be paid in  
22 accordance with the terms of the Settlement.

23 9. The Court finds and determines payment to the California Labor and Workforce  
24 Development Agency of \$30,000.00, as its 75% share of the civil penalties under the Private Attorneys  
25 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance  
26 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys  
27 General Act pursuant to Labor Code § 2699(s)(2).  
28

1           10. Pursuant to the terms of the Settlement and the statutory provisions authorizing  
2 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion  
3 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$267,687.67 and litigation costs  
4 of \$13,134.00. Class Counsel has sufficiently explained the basis for the fee award based on a  
5 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the  
6 Settlement Administrator to make these payments in accordance with the Settlement.

7           11. Without affecting the finality of this Order or the entry of judgment in any way, the  
8 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,  
9 and enforcement of this Order and the Settlement.

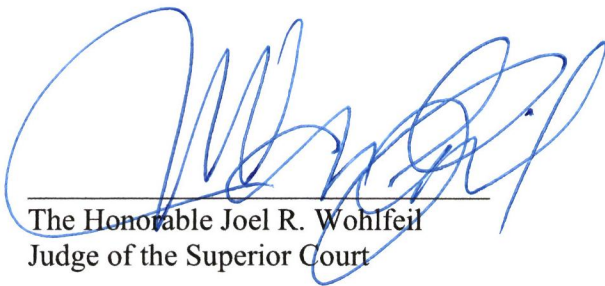
10           12. Nothing in this Order shall preclude any action to enforce the Parties' obligations under  
11 the Settlement or under this Order, including the requirement that Defendant make payments to Class  
12 Members in accordance with the Settlement.

13           13. The Court hereby ENTERS FINAL JUDGMENT in accordance with the terms of the  
14 Settlement, in accordance with this Final Approval Order and Judgment.

15           14. The Parties shall comply with Cal. Rules of Court Rule 3.771(b), by filing a Notice of  
16 Entry of Judgment with the Court.

17 **IT IS SO ORDERED.**

18  
19 Date: 2-20-25

  
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The Honorable Joel R. Wohlfeil  
Judge of the Superior Court