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Attorneys for Plaintiff and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

JUAN M. MARTINEZ, an individual; on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

HARBOR EXPRESS, INC.; and DOES 1
through 10, inclusive,

Defendant.

CASE NO. 22STCV12159

Assigned To The Hon. Lawrence P. Riff

Dept. 7

~~PROPOSED~~ **ORDER AND JUDGMENT**
GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

Date: September 19, 2024
Time: 10:00 a.m.
Dept: 7

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Action Filed: April 11, 2022

1 Plaintiffs’ Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on September 19, 2024. The above-captioned Action is a class action lawsuit
3 brought by Plaintiff Juan Milan Martinez (“Plaintiff”), individually, and on behalf of all others
4 similarly situated (“Plaintiffs”), against Harbor Express, Inc. (“Defendant”) (collectively, the
5 “Parties”). The Court, having carefully considered the briefs, argument of counsels and all matters
6 presented to the Court and good cause appearing, hereby GRANTS Plaintiff’s Motion for Final
7 Approval of Class Action Settlement.

8 On May 22, 2024, this Court entered an Order Granting Preliminary Approval of
9 Settlement, resulting in certification of the following provisional Settlement Class: “All current or
10 former drivers for Defendant, who were California residents at any time from April 11, 2018
11 through the date Notice is mailed to the Class.”

12 That Order further directed the Parties to provide Notice to the Class, which informed absent
13 class members of: (a) the proposed Settlement, and the Settlement’s key terms; (b) the date, time
14 and location of the Final Approval Hearing; (c) the right of any Class Member to object to the
15 proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of
16 any Class Member to exclude themselves from the proposed Settlement, and an explanation of the
17 procedures to exercise that right; and (e) an explanation of the procedures for class members to
18 participate in the proposed settlement.

19 The Court, upon Notice having been given as required in the Preliminary Approval Order,
20 and having considered the Settlement Agreement and Release of Claims, attached to the
21 Declaration of Joshua H. Haffner, Esq. in Support of Motion for Final Approval of Class Action
22 Settlement and Motion for Attorneys’ Fees, Reimbursement of Expenses, and Class
23 Representative’s Incentive Award as **Exhibit 1** (the “Settlement”), as well as all papers filed,
24 hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

25 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
26 to the Action, including all members of the Settlement Class.
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1 2. The Court finds that the Settlement Class is properly certified for settlement
2 purposes only.

3 3. The Notice provided to the Settlement Class conforms with the requirements of
4 California Code of Civil Procedure section 382, California Civil Code section 1781, California
5 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
6 applicable law, and constitutes the best notice practicable under the circumstances, by providing
7 individual notice to all Class Members who could be identified through reasonable effort, and by
8 providing due and adequate notice of the proceedings and of the matters set forth therein to the
9 Class Members. The notice fully satisfied the requirements of due process.

10 4. The Court finds the settlement was entered into in good faith, that the settlement is
11 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
12 requirements for final approval of this class action settlement under California law, including the
13 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
14 3.769. The Court approves the Gross Settlement Amount of Six Hundred Fifty Five Thousand and
15 No Cents (\$655,000.00.)

16 5. Zero (0) Class Members have objected to the terms of the Settlement.

17 6. Zero (0) Class Member has requested valid exclusion from the Settlement.

18 7. Upon entry of this Order, compensation to the participating members of the
19 Settlement Class shall be affected pursuant to the terms of the Settlement Agreement.

20 8. In addition to any recovery that Plaintiffs may receive from the Net Settlement
21 Amount, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court
22 hereby approves the payment of an incentive award to Plaintiff Juan Milan Martinez, in the amount
23 of Twenty Thousand Dollars (\$20,000.00). This shall be paid from the Gross Settlement Amount.

24 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
25 One Hundred Ninety-Six Thousand and Five Hundred Dollars (\$196,500.00), and the
26 reimbursement of litigation expenses in the sum of Ten Thousand Dollars (\$10,000). This shall be
27 paid from the Gross Settlement Amount.

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1 10. The Court approves and orders payment in the amount of Ten Thousand Dollars
2 (\$10,000.00) to CPT Group, Inc. for performance of its settlement administration services. This
3 shall be paid from the Gross Settlement Amount.

4 11. The Court approves and orders payment in the amount of Eighteen Thousand, Seven
5 Hundred and Fifty Dollars (\$18,750.00) to the California Labor and Workforce Development
6 Agency for its 75% share of PAGA penalties. This shall be paid from the Gross Settlement
7 Amount.

8 12. Upon the entry of this Order and Judgment, and subject to the occurrence of the
9 Effective Date, Plaintiffs and all Class Members shall be deemed to have released the Released
10 Parties from the Released Claims as more fully defined in the Settlement Agreement.

11 13. Upon completion of administration of the Settlement, the parties shall file a
12 declaration stating that claims have been paid and that the terms of the settlement have been
13 completed. A copy of this order and judgment shall be mailed to all Class Members with their
14 settlement payments.

15 14. This “Judgment” is intended to be a final disposition of the above captioned action
16 in its entirety and is intended to be immediately appealable.

17 15. This Court shall retain jurisdiction with respect to all matters related to the
18 administration and consummation of the settlement, and any and all claims, asserted in, arising out
19 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
20 the settlement and the determination of all controversies relating thereto.

21 **IT IS SO ORDERED.**

22 Dated: 09/19/2024



A handwritten signature in black ink, appearing to read "Lawrence P. Riff".

Lawrence P. Riff / Judge

JUDGE OF THE SUPERIOR COURT

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