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FILED
Superior Court of California
County of Los Angeles

08/15/2024

David W. Slayton, Executive Officer / Clerk of Court

By: M. Mata Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
LOS ANGELES COUNTY**

ISOM DUANE DAY, on behalf of himself and
others similarly situated,

Plaintiff,

vs.

HILLSIDES, a California 501(c) not-for-profit
organization, and DOES 1-50, inclusive,

Defendant.

Case No: 22STCV26039
The Hon. David S. Cunningham

CLASS-ACTION

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL TO CLASS ACTION
SETTLEMENT AND APPLICATION FOR
CLASS COUNSEL FEES, CLASS
COUNSEL COSTS, SERVICE PAYMENT,
AND FINAL JUDGMENT THEREON**

1 On August 12, 2024, a hearing was held on Plaintiff ISOM DUANE DAY’s unopposed
2 Motion for Final Approval of the Class Action Settlement and Motion for Class Counsel Fees,
3 Class Counsel Costs, and Service Payment.

4 The Parties have submitted their settlement and release agreement (“Settlement”), which
5 this Court preliminarily approved on March 8, 2024 (the “Preliminary Approval Order”). Under
6 the Preliminary Approval Order, Class Members have been given adequate notice of the terms of
7 the Settlement and the opportunity to object to it or to exclude themselves from it.

8 Having received and considered the Settlement, the supporting papers filed by the Parties,
9 and the evidence and argument received by the Court before entering the Preliminary Approval
10 Order and at the Final Approval Hearing, the Court grants final approval of the Settlement, enters
11 this Final Approval Order and Judgment, and HEREBY ORDERS and MAKES
12 DETERMINATIONS as follows:

13 1. Except as otherwise specified herein, the Court for purposes of this Final Approval
14 Order and Judgment adopts all defined terms set forth in the Settlement.

15 2. For settlement purposes only, the Court grants certification of the Class. The Class
16 is defined as all persons who are employed or have been employed by Hillsides in California as
17 hourly, non-exempt employees at any time within the period beginning January 10, 2021, and
18 ending on November 11, 2023.

19 3. Pursuant to the Preliminary Approval Order, the Notice of Proposed Class Action
20 Settlement and Final Approval Hearing (“Class Notice”) was sent to each Class Member on May
21 3, 2024, by first-class mail in both English and Spanish. The Class Notice informed Class Members
22 of the terms of the Settlement, their right to receive an Individual Settlement Payment, their right
23 to comment on or object to the Settlement and/or the attorneys’ fees and costs, their right to elect
24 not to participate in the Settlement and pursue their own remedies, their right to appear in person
25 and/or by counsel at the Final Approval Hearing and be heard regarding approval of the Settlement,
26 and of other actions pending against Defendant. Adequate periods of time were provided by each
27 of these procedures.

1 4. The Court finds and determines that this notice procedure afforded adequate
2 protections to Class Members and provides the basis for the Court to make an informed decision
3 regarding approval of the Settlement based on the responses of Class Members. The Court finds
4 and determines that the notice provided in this case was the best notice practicable, which satisfied
5 the requirements of law and due process.

6 5. The Court finds and determines that the no individuals have opted-out or objected
7 to the Settlement.

8 6. For the reasons stated in the Preliminary Approval Order, the Court finds and
9 determines that the terms of the Settlement are fair, reasonable, and adequate to the Class and to
10 each Class Member and that the Participating Class Members will be bound by the Settlement, that
11 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement
12 should be and hereby are ordered to be consummated.

13 7. The Court finds and determines that the all-inclusive Gross Settlement Amount in
14 the amount of \$700,000.00 and the Individual Settlement Payments to be paid to the Participating
15 Class Members under the Settlement are fair and reasonable. The Court hereby grants final approval
16 to and orders the payment of those amounts to be distributed to the Participating Class Members
17 out of the Net Settlement Amount in accordance with the Settlement. Pursuant to the terms of the
18 Settlement, the Settlement Administrator is directed to make the payments to each Participating
19 Class Member.

20 8. The Court finds and determines that the Settlement Administration Cost for the
21 Settlement in the amount of \$12,500 is fair and reasonable. The Court hereby grants final approval
22 to and orders that the payment of that amount be paid out of the Gross Settlement Amount to the
23 Settlement Administrator in accordance with the Settlement.

24 9. The Court finds and determines that the request by Plaintiff ISOM DUANE DAY
25 for a Class Representative Service Payment is fair and reasonable and hereby orders that the
26 requested payment in the amount of \$5,000 be paid to Plaintiff out of the Gross Settlement Amount.
27

1 10. The Court further finds and determines that the request by Class Counsel for the
2 Class Counsel Fee is fair and reasonable and hereby orders that \$233,310 (33.33% of the Gross
3 Settlement Amount) be paid to Koul Law Firm, APC, out of the Gross Settlement Amount.

4 11. The Court also finds and determines that the request by Class Counsel for Class
5 Counsel Expenses is fair and reasonable and hereby orders that \$17,209.20 be paid to Koul Law
6 Firm, APC, out of the Gross Settlement Amount.

7 12. Upon entry of this Final Approval Order and funding of the Gross Settlement
8 Amount, as well as employer-side taxes, the Participating Class Members will forever completely
9 release and discharge the Released Parties from the Released Class Claims for the Class Period.

10 13. Upon entry of this Final Approval Order and funding of the Gross Settlement
11 Amount, as well as employer side taxes, Plaintiff, the Labor Commissioner/LWDA on behalf of
12 the State of California, and all PAGA Aggrieved Employees will forever completely release and
13 discharge the Released Parties from the Released PAGA Claims through the PAGA Period.

14 14. Pursuant to the terms of the Settlement, Plaintiff makes an additional general release
15 as defined in the Settlement. Plaintiff expressly waives and relinquishes all rights and benefits
16 afforded by Section 1542 which states:

17 **A general release does not extend to claims which the creditor or releasing
18 party does not know or suspect to exist in his or her favor at the time of
19 executing the release and that, if known by him or her, would have materially
20 affected his or her settlement with the debtor or released party.**

21 15. Nothing in this Order shall preclude any action to enforce the Parties' obligations
22 under the Settlement or under this Order, including the requirement that Defendant make payment
23 in accordance with the Settlement.

24 16. If, for any reason, the Settlement ultimately does not become Final (as defined by
25 the Settlement), this Final Approval Order will be vacated; the Parties will return to their respective
26 positions in the action as those positions existed immediately before the Parties executed the
27 Settlement; and nothing stated in the Settlement or any other papers filed with this Court in
28

1 connection with the Settlement will be deemed an admission of any kind by any of the Parties or
2 used as evidence against, or over the objection of, any of the Parties for any purpose in the Action
3 or in any other action.

4 17. The Parties entered into the Settlement solely for the purpose of compromising and
5 settling disputed claims. Defendant in no way admits any violation of law or any liability
6 whatsoever to Plaintiff and the Class, individually or collectively, all such liability being expressly
7 denied by Defendant.

8 18. All uncashed settlement checks will be delivered to the California State Controller's
9 Unclaimed Property Division in the name of the Class Member leaving no unpaid residues subject
10 to the requirements of California Code of Civil Procedure Section 384(b).

11 19. By means of this Final Approval Order, this Court hereby enters final judgment in
12 this Action.


13 20. Without affecting the finality of this Final Approval Order and Judgment in any
14 way, pursuant to California Rules of Court, 3.769(h), the Court retains jurisdiction of all matters
15 relating to the interpretation, administration, implementation, effectuation and enforcement of this
16 Order, Judgment and the Settlement under Code of Civil Procedure § 664.6.

17 21. The Parties are hereby ordered to comply with the terms of the Agreement.

18 22. Each side is to bear its own costs and attorneys' fees except as provided by the
19 Settlement and this Final Approval Order and Judgment.

20 23. The Court sets a non-appearance final accounting hearing for August 12, 2025.
21 Plaintiff must file a final report 9 days before the final accounting hearing.

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24 DATED: 08/15/2024

25 
26 HON. DAVID S. CUNNINGHAM
27 JUDGE OF THE SUPERIOR COURT

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PROOF OF SERVICE

Case No. 22STCV26039

Day v. Hillsides

I, NADIA CHAVEZ declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the entitled case. The name and address of my residence or business is KOUL LAW FIRM, 3435 Wilshire Blvd. Ste. 1710, Los Angeles, California 90010.

On August 12, 2024, I served the foregoing document described as:

[PROPOSED] ORDER GRANTING FINAL APPROVAL TO CLASS ACTION SETTLEMENT AND APPLICATION FOR CLASS COUNSEL FEES, CLASS COUNSEL COSTS, SERVICE PAYMENT, AND FINAL JUDGMENT THEREON

_____ by transmitting via electronic mail the document(s) listed above to the electronic mailing address set forth below on this date.

 X Via Case Anywhere.

on the parties listed below by placing a true copy thereof enclosed in a sealed envelope for collection and mailing in the United States Postal Service following ordinary business practices at Los Angeles, California addressed as follows:

SEE ATTACHED SERVICE LIST

I am readily familiar with the ordinary practice of the business of collecting, processing and depositing correspondence in the United States Postal Service and that the correspondence will be deposited the same day with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this August 12, 2024, in Los Angeles, California.



NADIA CHAVEZ

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PROOF OF SERVICE

Case No. 22STCV26039

Day v. Hillsides

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