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9 Attorney for Plaintiffs and the Proposed Class

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

me SEP 18 2015

Sherri R. Carter, Executive Officer/Clerk  
BY M. Cervantes, Deputy  
Martha Cervantes

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SEP 15 2015

Dept. 308

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES  
12 CENTRAL CIVIL WEST COURTHOUSE

13 CASE NO.: BC508046

14 BRIAN R. MASTON, BEATRIZ CERDA and  
15 DIGLA A. AGUILAR, individually and on  
16 behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 PRIMA PIZZA, INC., SOUTHSIDE PIZZA,  
20 INC., R. BRENT HAMILL and DOES 1  
21 through 50, Inclusive,

22 Defendants.

~~PROPOSED~~ ORDER AND  
JUDGMENT GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND AUTHORIZING  
PAYMENTS OF THE CLASS  
REPRESENTATIVES' SERVICE  
AWARDS, THE CLAIMS  
ADMINISTRATOR'S FEES AND  
EXPENSES AND THE CLASS  
COUNSEL'S FEES, EXPENSES AND  
COSTS

**BY FAX**

Dept.: 308

Room: 1415

Judge: The Honorable Jane L. Johnson

Original Complaint Filed: May 6, 2013

23 THIS MATTER having come before the Court on the following two motions: (1) Plaintiffs  
24 Brian R. Maston, Beatriz Cerda and Digla A. Aguilar's Unopposed Motion for an Order Granting  
25 Final Approval of the Proposed Class Action Settlement embodied in the Second Amended  
26 Stipulation of Class Action Settlement and Release between the Plaintiffs and the Defendants,  
27 Prima Pizza, Inc., Southside Pizza, Inc. and R. Brent Hamill, previously filed in this action and  
28 incorporated herein by reference (hereinafter referred to as "the Stipulation") and (2) Plaintiffs'

1 Unopposed Motion for an Order Authorizing Payments of the Class Representatives' Service  
2 awards, the Claims Administrator's Fees and Expenses and the Class Counsel's Fees, Expenses and  
3 Costs; the Court having reviewed the papers filed by Plaintiffs' counsel in support of said motions;  
4 the Court having held a Final Approval Hearing on September 14, 2015 (continued from August 6,  
5 2015); and the Court having found that Plaintiffs are entitled to the relief sought in said motions,  
6 and for good cause shown, the Court makes the following findings:

7       A.     In this class action, Plaintiffs allege that that Defendants systematically failed to pay  
8 the Settlement Class members (as defined below) any overtime for the hours during which the  
9 general managers attended weekly meetings and the assistant managers attended monthly meetings.  
10 Plaintiffs further allege that the Settlement Class members who are no longer employed by  
11 Defendants are entitled to waiting time penalties under California Labor Code §203(a) for this  
12 unpaid overtime. Defendants deny any liability or other wrongdoing.

13       B.     The Court entered a Preliminary Approval Order dated January 15, 2015 (hereinafter  
14 referred to as the "Preliminary Approval Order") which certified the following class (hereinafter  
15 referred to as the "Settlement Class") for settlement purposes only: all individuals who were  
16 employed by Prima Pizza, Inc. and/or Southside Pizza, Inc. as general managers or assistant  
17 managers at any of the Domino's Pizza stores in California operated by Prima Pizza, Inc. or  
18 Southside Pizza, Inc. at any time between May 6, 2009 and January 15, 2015 (the date of the  
19 Court's Preliminary Approval Order).

20       C.     The Court found in its Preliminary Approval Order: (a) the Settlement Class  
21 members are so numerous as to make joinder of them impracticable, and the Settlement Class is  
22 ascertainable; (b) there are questions of law and fact common to the Settlement Class, and such  
23 questions predominate over any questions affecting only individual Settlement Class members; (c)  
24 the Class Representatives' claims and the defenses thereto are typical of the Settlement Class  
25 members' claims and the defenses asserted thereto; (d) the Class Representatives and Class Counsel  
26 have fairly and adequately protected the Settlement Class members' interests throughout this action;

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1 and (e) a class action is superior to all other available methods for fairly and efficiently resolving  
2 this action.

3 D. Notice to the Settlement Class has been provided in accordance with the Preliminary  
4 Approval Order and the Court's Order Regarding Continuance of Final Fairness and Final Approval  
5 Hearing and Related Deadlines dated April 3, 2015. The Notice of Proposed Class Action  
6 Settlement and the Amended Notice of Proposed Class Action Settlement (hereinafter collectively  
7 referred to as the "Class Notice") apprised Settlement Class members of: (a) this litigation's  
8 pendency and the claims at issue in this litigation; (b) all material elements of the proposed class  
9 action settlement; (c) the effect of the proposed class action settlement on the Settlement Class  
10 members; and (d) the opportunities to opt out of the proposed class action settlement, to object to  
11 the proposed class action settlement, and to appear at the Final Approval Hearing. Full and fair  
12 opportunity has been afforded to Settlement Class members to participate in the Final Approval  
13 Hearing. Accordingly, the Court determines that all Settlement Class members who have not opted  
14 out are bound by this Order and by the Judgment to be entered pursuant thereto.

15 E. The proposed class action settlement set forth in the Stipulation was arrived at after  
16 extensive arm's length negotiations conducted in good faith by counsel for all parties in this action  
17 with the material assistance of a neutral mediator, Barbara Reeves Neal, Esq. of JAMS.

18 F. As of the last date by which requests for exclusion were to be postmarked in  
19 accordance with the terms of the Preliminary Approval Order and the Court's Order Regarding  
20 Continuance of Final Fairness and Final Approval Hearing and Related Deadlines dated April 3,  
21 2015, none of the Settlement Class members has opted out of or objected to the proposed class  
22 action settlement set forth in the Stipulation.

23 G. The proposed class action settlement set forth in the Stipulation is fair, adequate and  
24 reasonable in light of the complexity, expense and duration of this litigation, and the risks inherent  
25 and involved in establishing liability and damages, and in maintaining class action status through  
26 trial and appeal, and any objections thereto are hereby overruled. This litigation presents complex  
27 issues as to liability and the relief to be afforded Settlement Class members, to which there are  
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1 substantial grounds for difference of opinion. The proposed class action settlement set forth in the  
2 Stipulation also is fair, adequate and reasonable when weighing the benefits afforded the Settlement  
3 Class against the uncertainties and difficulties associated with maintaining class certification  
4 through trial, the expense and length of time necessary to prosecute these proceedings through trial,  
5 the uncertainties of the outcome of the proceedings, and the fact that resolution of the class claims,  
6 whenever and however determined, would likely be subject to appellate review. Additionally, it  
7 appears to the Court that there have been extensive arm's length negotiations between counsel for  
8 the parties, and the exchange of information about the claims alleged in the litigation. The promises  
9 and commitments of the parties under the terms of the Stipulation thus constitute fair value given in  
10 exchange for the releases of the Released Claims against the Released Parties in light of such  
11 factors.

12 H. The manner of dissemination and content of the Class Notice as specified in detail in  
13 the Stipulation: (a) constituted the best notice practicable under the circumstances; (b) constituted  
14 notice that was reasonably calculated under the circumstances to apprise Settlement Class members  
15 of the litigation's pendency, of their right to object or to exclude themselves from the proposed class  
16 action settlement, of their right to appear at the Final Approval Hearing and of their right to seek  
17 monetary and other relief; (c) constituted reasonable, due, adequate and sufficient notice to the  
18 Settlement Class; and (d) satisfies all applicable requirements of due process. Full and fair  
19 opportunity has been afforded to Settlement Class members to be heard and to participate in the  
20 Final Approval Hearing.

21 I. The Court has also approved the Claim Form distributed to the Settlement Class  
22 members, the content of which was without material alteration from the Claim Form attached as an  
23 exhibit to the Stipulation.

24 J. The Court finds that the parties and the Claims Administrator have complied with  
25 their respective obligations as set forth in the Court's Preliminary Approval Order.

26 K. The Court finds that the parties and each Settlement Class member are subject to the  
27 jurisdiction of this Court for any suit, action, proceeding, or dispute arising from the Stipulation,  
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1 permitting the Court to retain continuing jurisdiction over this action under Section 664.6 of the  
2 California Code of Civil Procedure to ensure the proposed class action settlement's terms are fully  
3 effectuated. The Court further finds it is in the best interests of the parties and the Settlement Class  
4 members, and consistent with the principles of judicial economy, that any dispute between any  
5 Settlement Class member (including any dispute whether any person is a Settlement Class member)  
6 and any of the Released Parties which in any way relates to the applicability or scope of the  
7 Stipulation or of this Order and Judgment, should be presented exclusively to this Court for  
8 resolution by this Court.

9 Based upon the foregoing findings of fact and conclusions of law, which are based upon and  
10 supported by substantial evidence presented by the parties, all of which the Court has considered  
11 and is in the record before the Court,

12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

13 1. This Court has jurisdiction over the subject matter of this action, all parties to this  
14 action and all members of the Settlement Class.

15 2. These proceedings satisfy the prerequisites for class certification for settlement  
16 purposes under California Code of Civil Procedure Section 382, California Civil Code Section  
17 1781, California Rules of Court including, *inter alia*, Rules 3.769 *et seq.*, and other laws as  
18 applicable. Accordingly, the Court reaffirms its ruling in the Preliminary Approval Order as to the  
19 propriety of class certification for settlement purposes and finally certifies the Settlement Class as  
20 defined in the Preliminary Approval Order, the Stipulation and herein.

21 3. The Court confirms its prior appointment of Daniel V. Santiago and Francis J.  
22 "Casey" Flynn, Jr. as Class Counsel.

23 4. The Court finds that Plaintiffs and Class Counsel are adequate Settlement Class  
24 representatives.

25 5. In light of the factors set forth above and based on the submissions received by the  
26 Court in connection with both preliminary and final approval of proposed class action settlement set  
27 forth in the Stipulation, the Court grants final approval of the proposed class action settlement set  
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1 forth in the Stipulation. The proposed methods for providing relief to the Settlement Class  
2 Members, as set forth in the Stipulation, are fair, adequate and reasonable as to all parties and  
3 consistent with and in compliance with all requirements of due process and applicable law, and in  
4 the best interests of all parties.

5 6. The parties are hereby directed to consummate the class action settlement set forth in  
6 the Stipulation in accordance with its terms including, *inter alia*, payments to the Settlement Class  
7 members who submitted timely and valid Claim Forms to the Claims Administrator.

8 7. The Court hereby approves service awards of \$8,500 to Plaintiff Brian R. Maston,  
9 \$2,500 to Plaintiff Beatriz Cerda and \$2,500 to Plaintiff Digla A. Vasquez (formerly Digla A.  
10 Aguilar) are approved. These amounts shall be paid in accordance with the terms of the Stipulation.

11 8. The proposed fees and expenses of \$6,530.48 of the Claims Administrator, CAC  
12 Services Group, LLC are approved. This amount shall be paid in accordance with the terms of the  
13 Stipulation.

14 9. Class Counsel Daniel V. Santiago is awarded \$85,000 in attorneys' fees and \$6,195  
15 in costs. These amounts shall be paid in accordance with the terms of the Stipulation.

16 10. The Claims Administrator is ordered to give notice of this Order and Judgment to all  
17 Settlement Class members in accordance with California Rule of Court 3.771(b) and the terms of  
18 the Stipulation.

19 11. Upon the Effective Date as defined in the Stipulation, Plaintiffs and all Settlement  
20 Class members shall have, by operation of this Order and Judgment, fully, finally and forever  
21 discharged the Released Parties from the Released Claims as set forth in the Stipulation.

22 12. Without affecting the finality of the Judgment entered pursuant to this Order, this  
23 Court retains continuing jurisdiction over this class action settlement (including the administration,  
24 consummation and enforcement of same), the parties, Settlement Class members and Released  
25 Parties who are deemed to have submitted to the exclusive jurisdiction of this Court for any claims  
26 asserted in, arising from or related to the subject matter of this lawsuit including, but not limited to,  
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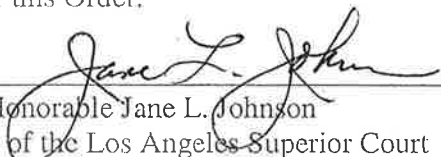
1 this Order, this Judgment and the Stipulation's terms pursuant to California Code of Civil Procedure  
2 Section 664.6.

3 13. Upon completion of the administration of the class action settlement set forth in the  
4 Stipulation, the parties shall file a declaration stating that the claims have been paid and the terms of  
5 the class action settlement have been satisfied. In that regard, the Court hereby sets a non-  
6 appearance date for the submission of a final distribution report on December 1, 2016, at 8:30 a.m.  
7 in Department 308 of the Los Angeles Superior Court, Central Civil West Courthouse.

8 14. This Judgment is intended to be, and is, a final disposition of the above-captioned  
9 action in its entirety and is intended to be, and is, immediately appealable.

10 15. The Court finds there is no reason for delay and directs the Clerk to enter Judgment  
11 in accordance with the terms of this Order as of the date of this Order.

12 Dated: SEP 18 2015

By:   
The Honorable Jane L. Johnson  
Judge of the Los Angeles Superior Court

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**PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. My business address is Law Offices of Daniel V. Santiago, P.C., KPMG Tower, 355 South Grand Ave., Suite 2450, Los Angeles, California 90071. On the date identified below, I served the following documents:

**[PROPOSED] ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND AUTHORIZING PAYMENTS OF THE CLASS REPRESENTATIVES' SERVICE AWARDS, THE CLAIMS ADMINISTRATOR'S FEES AND EXPENSES AND THE CLASS COUNSEL'S FEES, EXPENSES AND COSTS**

**X VIA ELECTRONIC SERVICE** upon Lyne A. Richardson, Catherine L. Hazany and Robert A. Orozco, FORD & HARRISON LLP, 350 South Grand Avenue, Suite 2300, Los Angeles, CA 90071, telephone: (213) 237-2400, facsimile: (213) 237-2401 (Counsel for Defendants Prima Pizza, Inc., Southside Pizza, Inc. and R. Brent Hamill), in accordance with the Court's September 16, 2013 Order Authorizing Electronic Service designating Case Anywhere as the web-based e-service provider for service in this case.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 15, 2015, at Los Angeles, California.



Daniel V. Santiago