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and on behalf of all others similarly situated

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

JUAN PABLO RAMIREZ PELAYO,  
individually, and on behalf of all others similarly  
situated,

Plaintiff,

v.

NATIONS ROOF WEST, LLC, a Delaware  
limited liability company,

Defendants.

Case No. 23CECG01236

*Assigned for all purposes to:  
Hon. Kristi Culver Kapetan  
Dept. 502*

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

Date: July 16, 2025  
Time: 3:27 p.m.  
Dept.: 502

Complaint Filed: April 3, 2023  
FAC Filed: June 17, 2024

**FILED**

08/19/2025 3:00:32 PM

FRESNO COUNTY SUPERIOR COURT  
By lwhipple

DEPUTY

**RECEIVED**  
6/23/2025 5:41 PM  
FRESNO COUNTY SUPERIOR COURT  
By: Jonathan Maddon, Deputy

1 This matter came on for hearing on July 16, 2025 at 3:27 p.m., in Department 502 of the  
2 above-referenced Court on the Motion for Final Approval of Class Action and PAGA Settlement  
3 pursuant to California Rules of Court, Rule 3.769, this Court’s Order Granting Preliminary  
4 Approval filed February 26, 2025, and the Class and Representative Action Settlement  
5 Agreement and Class Notice (“Settlement”), a copy of which was attached as Exhibit 1 to the  
6 Declaration of John G. Yslas in Support of Plaintiff’s Renewed Motion for Preliminary  
7 Approval of Class Action Settlement filed November 18, 2024.

8 Having received and considered the Settlement, the supporting papers filed by the  
9 Parties, and the evidence and argument in conjunction with the Motion for Preliminary Approval  
10 of Class Action Settlement granted February 26, 2025, and the instant Motion for Final  
11 Approval of Class Action and PAGA Settlement, the Court grants final approval of the  
12 Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

13 1. Pursuant to the Order Granting Plaintiff’s Renewed Motion for Preliminary  
14 Approval of Class Action Settlement, the Class Notice was sent to each Class Member by First  
15 Class mail. These papers informed Class Members of the terms of the Settlement, their right to  
16 receive an Individual Settlement Payment, and their right to: (a) comment on or object to the  
17 Settlement; (b) request exclusion from the Settlement and pursue their own remedies; (c) dispute  
18 the calculation of their Individual Settlement Payment; and (d) appear at the final approval  
19 hearing. No Class Member has objected to the proposed Settlement, and no Class Member has  
20 requested exclusion.

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

26 3. With respect to the Class and for purposes of approving this Settlement only, this  
27 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous  
28 that joinder of all members is impracticable; (b) there are questions of law or fact common the

1 class and a well-defined community of interest among members of the Class with respect to the  
2 subject matter of the action; (c) the claims of Class Representative Juan Pablo Ramirez Pelayo  
3 are typical of the claims of the Class Members; (d) the Class Representative has fairly and  
4 adequately protected the interests of the Class; (e) a class action is superior to other available  
5 methods for an efficient adjudication of this controversy; and (f) counsel of record for the Class  
6 Representative are qualified to serve as Class Counsel.

7 4. The Court has certified a Class for settlement purposes only, defined as all current  
8 and former hourly-paid or non-exempt employees of Defendant in California, employed  
9 between April 3, 2019 through April 26, 2024, who do not timely opt-out of the Settlement. The  
10 Court deems this definition sufficient for purposes of California Rules of Court, Rule 3.765(a).

11 5. The Court hereby confirms John G. Yslas, Diego Aviles, Harry Erganyan, John  
12 Brown, and Maria M. Nazaretyan of Wilshire Law Firm, PLC as Class Counsel.

13 6. The Court hereby confirms Plaintiff Juan Pablo Ramirez Pelayo as the Class  
14 Representative.

15 7. The Court finds and determines that the terms of the Settlement are fair,  
16 reasonable, and adequate, and directs the Parties to effectuate the Settlement according to its  
17 terms, having found that the Settlement was reached as a result of informed and non-collusive  
18 arm's length negotiations facilitated by a neutral mediator. The Court finds that the Parties  
19 conducted adequate investigation, research, and discovery, and that their attorneys were able to  
20 reasonably evaluate their respective positions. The Court also finds that the Settlement will  
21 enable the Parties to avoid additional and potentially substantial litigation costs, as well as delay  
22 and risks if the Parties were to continue to litigate the case. The Court has reviewed the monetary  
23 recovery provided as part of the Settlement and recognizes the significant value accorded to the  
24 Class.

25 8. The Court hereby approves the Gross Settlement Amount of \$737,500.00.

26 9. The Court finds and determines that the Individual Settlement Payments to be  
27 paid to Participating Class Members as provided for by the Settlement are fair and reasonable.  
28 The Court hereby gives final approval to and orders the payment of those amounts to be made

1 to the Participating Class Members in accordance with the Settlement.

2 10. The Court finds and determines that payment of \$50,000.00 in civil penalties  
3 under PAGA is fair, reasonable, and appropriate. The Labor and Workforce Development  
4 Agency will receive 75% (\$37,500.00), and the remaining 25% (\$12,500.00) will be distributed  
5 to Aggrieved Employees (defined as a person employed by Defendant in California and  
6 classified as a hourly-paid, non-exempt employee who worked for Defendant during the PAGA  
7 Period (defined as March 31, 2022 to August 26, 2024). The Court hereby gives final approval  
8 to and orders the payment of that amount in accordance with the Settlement.

9 11. The Court finds and determines that the fees and expenses in administering the  
10 Settlement incurred by ILYM Group, Inc. in the amount of \$8,450.00 are fair and reasonable.  
11 The Court hereby gives final approval to and orders the payment of that amount in accordance  
12 with the Settlement.

13 12. The Court finds and determines that the Class Representative Service Payment of  
14 ~~\$15,000.00~~ <sup>\$7,500.00</sup> to Plaintiff Juan Pablo Ramirez Pelayo is fair and reasonable. The Court hereby  
15 gives final approval to and orders the payment of that amount in accordance with the Settlement.

16 13. Pursuant to the terms of the Settlement, and the authorities, evidence, and  
17 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees  
18 in the amount of \$245,833.33 and litigation costs in the amount of \$21,258.14. The Court hereby  
19 gives final approval to and orders the payment of those amounts in accordance with the  
20 Settlement.

21 14. Without affecting the finality of this order or the entry of judgment in any way,  
22 the Court retains jurisdiction of all matters relating to the interpretation, administration,  
23 implementation, effectuation, and enforcement of this order and the Settlement.

24 15. Defendant Nations Roof West, LLC shall not have any further liability for costs,  
25 expenses, interest, attorneys' fees, or for any other charge, expense, or liability, except as  
26 provided for by the Settlement.

27 16. Neither the making of this Settlement nor the entry into the Settlement constitutes  
28 an admission by Defendant Nations Roof West, LLC, nor is this order a finding of the validity

of any claims in this case or of any other wrongdoing. Further, the Settlement is not a concession, and shall not be used as an admission of any wrongdoing, fault, or omission of any entity or persons, nor may any action taken to carry out the terms of the Settlement be construed as an admission or concession by or against Defendant Nations Roof West, LLC.

17. Nothing in this order shall preclude any action to enforce the Parties' obligations under the Settlement or under this order.

18. Upon completion of administration of the Settlement, the Settlement Administrator will provide written certification of such completion to the Court, which shall be filed with the Court seven days before the non-appearance compliance hearing set for **July 16, 2026 at 3:27 p.m.** [or \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.] in Department 502.

19. The Court hereby enters final judgment in accordance with the terms of the Settlement, the Order Granting Plaintiff's Renewed Motion for Preliminary Approval of Class Action Settlement, and this Order.

20. The Parties will bear their own costs and attorneys' fees except as otherwise provided by this Court's Order awarding Class Counsel's attorneys' fees and litigation costs.

Dated: 8/19/2025

  
\_\_\_\_\_  
Hon. Kristi Culver Kapetan  
JUDGE OF THE SUPERIOR COURT