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7 Attorneys for Plaintiff ADAM WACHTER, an  
8 individual, on behalf of himself and all others  
9 similarly situated and aggrieved

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

ADAM WACHTER, an individual, on  
behalf of himself and all others similarly  
situated and aggrieved,

Plaintiffs,

v.

MTX GROUP, INC., a corporation; and  
DOES 1 through 20, inclusive,

Defendants.

CASE NO. 22STCV28782

Assigned for all purposes to:  
Hon. Elihu M. Berle, Dept. 6

**~~[PROPOSED]~~ ORDER RE MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
AND PAGA SETTLEMENT**

Following final approval hearing on:

Date: March 6, 2025

Time: 11:00 a.m.

Dept.: 6

Action filed: September 2, 2022

Trial date: None

03/14/2025

David W. Stoyan, Executive Officer / Clerk of Court

By: E. Martinez Deputy

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, on behalf of himself and all others similarly situated and  
3 aggrieved, plaintiff Adam Wachter's ("Plaintiff") motion for final approval of class action and  
4 PAGA settlement came on for hearing on March 6, 2025, at 11:00 a.m. in Department 6 of the  
5 Los Angeles County Superior Court, located at 312 N. Spring Street, Los California 90012.  
6 Steven M. Kroll appeared on behalf of Plaintiff. Melissa Huether appeared on behalf defendant  
7 MTX Group, Inc. ("Defendant").

8 After carefully considering the motion, its supporting papers, and the arguments of  
9 counsel, the motion for final approval is GRANTED. As such, the Court ORDERS as follows:

10 1. The class action and PAGA settlement in the gross amount of \$90,000, including,  
11 and not limited to, the allocation and distribution of the net settlement funds, and the allocation  
12 for penalties under the California Labor Code Private Attorneys General Act ("PAGA") is  
13 approved;

14 2. The proposed class for purposes of settlement is approved;

15 3. Plaintiff as representative of the class for purposes of settlement is approved;

16 4. The appointment of attorney Steven M. Kroll of Bent Caryl & Kroll, LLP as  
17 counsel for the class for purposes of settlement is approved;

18 5. The application for payment to class counsel of reasonable attorneys' fees of one-  
19 third (1/3) of the gross settlement amount at \$30,000 and reasonable costs of \$6,940.32 are  
20 approved.

21 6. The payment of a service award to Plaintiff to compensate him for the time,  
22 expense, and risk he incurred as a named plaintiff and class representative in this action in the  
23 amount of \$2,500 is approved;

24 7. The settlement administration services to be provided by claims administrator  
25 ILYM Group, Inc. in the amount of \$4,990.00 is approved; and

26 8. Final judgment shall be entered against Defendant, including a provision for the  
27 retention of the Court's jurisdiction over the parties to enforce the terms of the judgment.  
28

9. Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement. (Cal. Rules of Court, rule 3.769(g).) If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an order dismissing the action at the same time as, or after, entry of judgment. (Cal. Rules of Court, rule 3.769(h).)

10. A dismissal of an entire class action, or of any party or cause of action in a class action, requires court approval. The court may not grant a request to dismiss a class action if the court has entered judgment following final approval of a settlement. Requests for dismissal must be accompanied by a declaration setting forth the facts on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is being given for the dismissal and must describe the consideration in detail. (Cal. Rules of Court, rule 3.770(a).)

11. The trial court has broad powers to determine whether a proposed settlement is fair. (*Mallick v. Superior Court* (1979) 89 Cal.App.3d 434, 438.) The California standard for approval of class settlements is similar to the federal requirement that the settlement be fair, reasonable, and adequate for class members overall. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.)

12. Based on the record evidence, the settlement reached in this case was the result of arms-length settlement negotiations facilitated by a neutral mediator. Plaintiff's counsel had sufficient information upon which to make an informed decision about the appropriate value upon which to settle this case. Given their assessment and analysis of the likelihood of class certification, the risk of decertification, Defendant's articulated defenses, potential class members refuting Labor Code violations, and the uncertainty on stacking and reducing PAGA penalty amounts, Plaintiff's counsel determined that the \$90,000 settlement amount ultimately agreed upon by the parties – which amounts to about 41.6% of the midpoint of the potential recovery range (\$216,562.50) – is fair and reasonable.

1           13.     The Court hereby finds the settlement to be fair, reasonable, and adequate for the  
2 class members.

3           14.     The Court hereby sets an order to show cause (“OSC”) hearing regarding  
4 compliance with the terms of the settlement for November 4, 2025, at 8:30 a.m. in Department 6.  
5 The parties shall meet and confer, and file a joint status report and declaration from the settlement  
6 administrator by October 27, 2025, advising the Court of the status of the distribution of  
7 settlement funds.

8  
9           IT IS SO ORDERED

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12       Dated:       03/14/2025 \_\_\_\_\_



**Elihu M. Berle**

\_\_\_\_\_  
Elihu M. Berle / Judge  
ELIHU M. BERLE  
SUPERIOR COURT JUDGE

1 **PROOF OF SERVICE**

2 I, Steven M. Kroll, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am  
4 over the age of eighteen years and not a party to the within-entitled action. My business address  
5 is 6300 Wilshire Boulevard, Suite 1415, Los Angeles, California 90048. On March 12, 2025, I  
6 served a copy of the within document(s):

7 **[PROPOSED] ORDER RE MOTION FOR FINAL APPROVAL OF CLASS**  
8 **ACTION AND PAGA SETTLEMENT**

9 by placing the document(s) listed above in a sealed envelope with postage thereon  
10 fully prepaid, in the United States mail at Los Angeles, California addressed as set  
11 forth below.

12 by placing the document(s) listed above in a sealed Overnite Express envelope and  
13 affixing a pre-paid air bill, and causing the envelope to be delivered to an Overnite  
14 Express agent for delivery.

15 by personally delivering the document(s) listed above to the person(s) at the  
16 address(es) set forth below.

17 **X** by electronically serving the document(s) listed above on counsel of record set  
18 forth below by transmission to CASE ANYWHERE.

19 Todd B. Scherwin, Esq.  
20 Landon R. Schwob, Esq.  
21 Fisher & Phillips, LLP  
22 444 S. Flower Street, Suite 1500  
23 Los Angeles, CA 90071  
24 Telephone: (213) 330-4450  
25 tscherwin@fisherphillips.com  
26 *Attorneys for Defendant*  
27 *MTX Group, Inc.*

California Labor & Workforce  
Development Agency  
Attn: PAGA Administrator  
1515 Clay Street, Suite 801  
Oakland, California 94612  
PAGA@dir.ca.gov  
Via Online PAGA Filing System

28 I am readily familiar with the firm's practice of collection and processing correspondence  
for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
motion of the party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above  
is true and correct. Executed on March 12, 2025, at Los Angeles, California.

29   
30 Steven M. Kroll