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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

AUG 03 2023

E. Escobedo

SG

AUG 04 2023  
R

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

RHINA MENDOZA DE VIELMA,  
individually, and on behalf of all others similarly  
situated,

*Plaintiff,*

vs.

MODULAR METAL FABRICATORS, INC.,  
a California corporation; and DOES 1 through  
10, inclusive,

*Defendants.*

Case No.: CVRI2000226

CLASS AND REPRESENTATIVE ACTION

*[Assigned for all purposes to the Honorable  
Harold Hopp, Department 1]*

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF'S MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Action Filed: November 17, 2020  
Trial Date: Not Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiff Rhina Mendoza De Vielma (“Plaintiff”) and Defendant Modular Metal Fabricators, Inc.  
3 (“Defendant”) have reached terms of settlement for a putative class action (Plaintiff and Defendant are  
4 collectively referred to as the “Parties”).

5 Plaintiff has filed a motion for final approval of a class action settlement of the claims asserted  
6 against Defendant in this action, memorialized in the JOINT STIPULATION OF CLASS ACTION  
7 SETTLEMENT AND RELEASE OF CLAIMS (*see* Declaration of Kane Moon In Support of Plaintiff’s  
8 Motion for Final Approval of Class Action Settlement [“Moon Decl.”], at Exh. 1.) filed on February 2,  
9 2023, referred to herein as the “Agreement” or “Settlement.”

10 After reviewing the Agreement, the Notice process, and other related documents, and having heard  
11 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

12 1. The Court finds that the terms of the proposed Settlement are fair, reasonable, and  
13 adequate, pursuant to California Code of Civil Procedure § 382. In granting final approval of the class  
14 action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*, 48 Cal. App.  
15 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001) and *In*  
16 *re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

17 2. The Court finds that the Settlement has been reached as a result of intensive, serious and  
18 non-collusive arms-length negotiations. The Court further finds that the Parties have conducted thorough  
19 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective  
20 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well  
21 as avoid the delay and risks that would be presented by the further prosecution of the action. The Court  
22 finds that the risks of further prosecution are substantial.

23 3. The Parties’ Settlement is granted final approval as it meets the criteria for final settlement  
24 approval. The settlement falls within the range of possible approval as fair, adequate, reasonable, and  
25 appears to be the product of arm’s-length and informed negotiations and to treat all Class Members fairly.  
26 No Class Members have requested to be excluded from the Settlement, and no Class Members have  
27 objected in writing to the Settlement. The Class meets the requirements for conditional certification for  
28 settlement purposes only under Code of Civil Procedure § 382.

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

8 5. The following persons are certified as Class Members solely for the purpose of entering  
9 a settlement in this matter:

10 All persons employed in the State of California as hourly, non-exempt employees by  
11 Modular Metal Fabricators, Inc. at any time between November 17, 2017 to March 17,  
2023.

12 6. Plaintiff Rhina Mendoza De Vielma is appointed the Class Representative. The Court  
13 finds Plaintiff’s Counsel are adequate, as they are experienced in wage and hour class action litigation  
14 and have no conflicts of interest with absent Class Members, and that they adequately represented the  
15 interests of absent Class Members in the litigation. Kane Moon, Allen Feghali, and Brett Gunther of  
16 Moon & Yang, APC, are appointed Class Counsel.

17 7. There are no objections submitted to the Court or the Settlement Administrator, and there  
18 no exclusion requests submitted to the Settlement Administrator.

19 8. The Court appoints ILYM Group, Inc. to act as the “Settlement Administrator,” pursuant  
20 to the terms set forth in the Agreement.

21 9. Upon entry of this Final Approval Order and the associated Judgment, funding of the  
22 Settlement and compensation to the Class Members shall be implemented pursuant to the terms of the  
23 Settlement.

24 10. In addition to any recovery that the Plaintiff may receive under the Settlement as a Class  
25 Member, and in recognition of the Plaintiff’s efforts on behalf of the Class, the Court hereby approves the  
26 payment of an enhancement payment to Plaintiff in the amount of **\$7,500.00**.

27 11. The Court approves the payment of attorneys’ fees to Class Counsel Moon & Yang, APC,  
28 in the amount of **\$234,063.67**.

1           12.     Litigation expenses are approved by the Court in the following amount: **\$13,234.85** is  
2 awarded to Moon & Yang, APC.

3           13.     The Court approves and orders payment in the amount of **\$13,900.00** to ILYM Group,  
4 Inc. for performance of its services as the Settlement Administrator, as set forth in the Notice.

5           14.     The Court approves and orders payment in the amount of **\$22,500.00** to the California  
6 Labor and Workforce Development Agency.

7           15.     The Court approves and orders payment in the amount of **\$7,500.00** to PAGA  
8 Employees.

9           16.     Upon completion of administration of the Settlement, the Parties shall file a declaration  
10 stating that all amounts payable under the Settlement have been paid and that the terms of the Settlement  
11 have been completed.

12           17.     The Court sets a Final Report (Non-appearance case review) hearing regarding  
13 compliance with all fund distribution requirements under the Settlement on June 28, 2024 at 8:30 a.m.,  
14 in Department 1 of the above-entitled Court. A declaration from the Settlement Administrator regarding  
15 compliance shall be filed with the Court by June 21, 2024 (no later than five court days before the non-  
16 appearance case review). No appearance by the Parties is required at the Order to Show Cause hearing  
17 if the Settlement Administrator's declaration is timely filed and the Settlement Administrator reports that  
18 all of the distributions under the Settlement are complete and, if needed, an Amended Judgment is  
19 submitted to address distribution of any unclaimed funds in compliance with California Code of Civil  
20 Procedure § 384.


21           18.     Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and  
22 the employer's share of payroll taxes, Plaintiff and the Class Members shall have, by operation of this  
23 Final Approval Order and Judgment, fully, finally, and forever released, relinquished, and discharged  
24 Defendant from the released claims described in the Settlement.

25           19.     In accordance with California Rule of Court 3.771(b), the Parties are ordered to give  
26 notice of this Final Approval Order and the Judgment to all Class Members by posting the Order and the  
27 Judgment on the Settlement Administrator's website for at least ninety (90) days after entry of judgment.  
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**IT IS SO ORDERED.**

Dated: 08/1/24



Hon. Harold Hopp  
SUPERIOR COURT JUDGE