

FILED
Superior Court of California
County of Marin
10/20/2025
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A. Andres, Deputy

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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF MARIN**

19 JENS HIERSEMANN, individually, and on
20 behalf of all others similarly situated,

21 Plaintiff,

22 v.

23 HOG ISLAND OYSTER COMPANY, INC., a
24 California corporation; and DOES 1 through
10, inclusive,

25 Defendants.

Case No.: CV0000309

Assigned for all purposes to:
Hon. Sheila S. Lichtblau
Dept. H

**~~PROPOSED~~ JUDGMENT AND ORDER
GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

FINAL APPROVAL HEARING
Date: October 15, 2025
Time: 1:30 p.m.
Dept.: H

1 This matter came on for hearing on October 15, 2025 at 1:30 p.m., in Department H of
2 the above-referenced Court on the Motion for Final Approval of Class Action and PAGA
3 Settlement pursuant to California Rules of Court, Rule 3.769. On June 2, 2025, this Court issued
4 an Order Granting Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA
5 Settlement. Plaintiffs Jens Hiersemann and Hernandito Perez-Perez (“Plaintiffs”) now seeks an
6 order granting final approval of the Class Action and PAGA Settlement Agreement
7 (“Settlement”), a copy of which is attached to the Declaration of John G. Yslas in Support of
8 Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 1**.

9 Having received and considered the Settlement, the supporting papers filed by the
10 Parties, and the evidence and argument in conjunction with the Motion for Preliminary Approval
11 of Class Action Settlement granted on June 2, 2025, and the instant Motion for Final Approval
12 of Class Action and PAGA Settlement, the Court grants final approval of the Settlement and
13 **HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:**

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

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

27 3. With respect to the Class and for purposes of approving this Settlement only, this Court
28 finds and concludes that: (a) the members of the Class are ascertainable and so numerous that

1 joinder of all members is impracticable; (b) there are questions of law or fact common the class
2 and a well-defined community of interest among members of the Class with respect to the subject
3 matter of the action; (c) the claims of Class Representatives Jens Hiersemann and Hernandito
4 Perez-Perez are typical of the claims of the Class Members; (d) the Class Representative has fairly
5 and adequately protected the interests of the Class; (e) a class action is superior to other available
6 methods for an efficient adjudication of this controversy; and (f) counsel of record for the Class
7 Representatives are qualified to serve as Class Counsel.

8 4. The Court has certified a Class for settlement purposes only, defined as all persons
9 currently or formerly employed by Hog Island Oyster Company, Inc. as hourly-paid, non-exempt
10 employees in the State of California who worked during the Class Period (from June 1, 2019
11 through June 2, 2025). The Court deems this definition sufficient for purposes of California
12 Rules of Court, Rule 3.765(a).

13 5. The Court hereby confirms John G. Yslas, Jeffrey C. Bils, Aram Boyadjian, Lisa B.
14 Iturriaga, and Andrew Sandoval of Wilshire Law Firm, PLC and Jonathan Melmed, Kyle D. Smith
15 and Jaqueline Antillón of Melmed Law Group P.C. as Class Counsel.

16 6. The Court hereby confirms Plaintiffs Jens Hiersemann and Hernandito Perez-Perez as
17 the Class Representatives.

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

27 8. The Court hereby approves that Defendant shall pay a total of \$825,000.00 to resolve
28 this litigation.

1 9. The Court finds and determines that the Individual Settlement Payments to be paid
2 to Settlement Class Members as provided for by the Settlement are fair and reasonable. The Court
3 hereby gives final approval to and orders the payment of those amounts to be made to the
4 Settlement Class Members in accordance with the Settlement.

5 10. From the Settlement Amount, the Court finds and determines that payment of
6 \$41,250.00 in civil penalties under PAGA is fair, reasonable, and appropriate. The Labor and
7 Workforce Development Agency will receive 75% (\$30,937.50), and the remaining 25%
8 (\$10,312.50) will be distributed to Aggrieved Employees (defined as all hourly-paid, non-exempt
9 employees currently or formerly employed by Defendant Hog Island Oyster Company, Inc. in the
10 State of California during the PAGA Period (October 18, 2022 through June 2, 2025). The Court
11 hereby grants final approval to and orders the payment of the amount in accordance with the
12 Settlement.

13 11. From the Settlement Amount, the Court finds and determines the Class
14 Representatives Service Payments of \$10,000.00 to each named Plaintiff is fair and reasonable.
15 The Court hereby grants final approval to and orders the payment of that amount to be paid to the
16 named Plaintiff for her service as a class representative and for her agreement to release claims.

17 12. From the Settlement Amount, the Court finds and determines that the fees and expenses
18 in administering the Settlement incurred by Apex Class Action Administration (“APEX”) in the
19 amount of \$11,750.00 are fair and reasonable. The Court hereby grants final approval to and orders
20 the payment of that amount in accordance with the Settlement.

21 13. Pursuant to the terms of the Settlement, and the authorities, evidence, and argument
22 submitted by Class Counsel, the Court hereby awards Class Counsel attorneys’ fees in the amount
23 of \$275,000.00 (60% of which shall be distributed to Wilshire Law Firm, PLC and 40% of which
24 shall be distributed to Melmed Law Group P.C.) and litigation costs in the amount of \$31,529.35.
25 The Court hereby grants final approval to and orders the payment of those amounts in accordance
26 with the Settlement.

1 14. Without affecting the finality of this Order or the entry of judgment in any way, this
2 Court retains continuing jurisdiction of all matters relating to the implementation, interpretation,
3 administration, effectuation and enforcement of this order and the Settlement.

4 15. Defendant Hog Island Oyster Company, Inc. (“Defendant”) shall not have any further
5 liability for costs, expenses, interest, attorneys’ fees, or for any other charge, expense, or liability,
6 except as provided for by the Settlement.

7 16. Neither the making of this Settlement nor the entry into the Settlement constitutes an
8 admission by Defendant, nor is this order a finding of the validity of any claims in this case or of
9 any other wrongdoing. Further, the Settlement is not a concession and shall not be used as an
10 admission of any wrongdoing, fault, or omission of any entity or persons, nor may any action taken
11 to carry out the terms of the Settlement be construed as an admission or concession by or against
12 Defendant.

13 17. Upon completion of administration of the Settlement, the Settlement Administrator will
14 provide written certification of such completion to the Court, which shall be filed with the Court
15 seven days before the non-appearance compliance hearing set for **October 15, 2026 at 1:30 p.m.**

16 18. The Court hereby enters final judgment in accordance with the terms of the Settlement,
17 the Order Granting Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, and
18 this Order.

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

21 **IT IS SO ORDERED.**

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23 Dated: 10/20/2025

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25 _____
26 Honorable Sheila S. Lichtblau
27 Judge of the Superior Court
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