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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

NOV 03 2025

BY   
VALERIE URUENA, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO**

YESENIA GUTIERREZ and KATHY CHAN,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

ENVIRONMENTAL SYSTEMS RESEARCH  
INSTITUTE, INC., a California Corporation,

Defendant.

Case No. CIVSB2300014

(Assigned for All Purposes to the Honorable  
Christian Towns, Dept. S26 - SBJC)

**REVISED [PROPOSED] FINAL  
APPROVAL ORDER AND JUDGMENT**

Date Action Filed: January 4, 2023  
Trial Date: Not Yet Set

1 This matter has come before the Court on an unopposed Motion for Final Approval of  
2 Class Action Settlement (“Motion”). A Fairness Hearing was held on October 24, 2025  
3 following the Court’s order preliminarily approving the Settlement and notice of the Settlement  
4 to the Class with an opportunity for Class Members to request exclusion or object to the  
5 Settlement. The Court, having duly considered the Motion, good cause appearing, hereby orders,  
6 adjudges, and decrees as follows:

7 1. Capitalized terms in this Order and Judgment have the same meaning they are  
8 given in the Class and PAGA Settlement Agreement and Release (“Agreement”) attached as  
9 Exhibit 1 to the Declaration of Julian Hammond in support of the Motion for Preliminary  
10 Approval of Class Action Settlement, filed May 15, 2025.

11 2. This Court has jurisdiction over the subject matter of this Action, all claims  
12 alleged herein, and all Parties hereto, including plaintiffs Yesenia Gutierrez and Kathy Chan  
13 (“Plaintiffs”), all Class Members, and defendant Environmental Systems Research Institute, Inc.  
14 (“Defendant”).

15 3. The Court finds that the Class Members have been provided proper and adequate  
16 notice, meeting the requirements of due process. The Court finds, based on the evidence  
17 submitted, that the Class Notice and related documents, as well as the methodology used to  
18 implement the Settlement, including providing notice to Class Members, (a) complied with this  
19 Court’s Preliminary Approval Order, (b) constituted the best practicable notice under the  
20 circumstances, (c) constituted notice that was reasonably calculated, under the circumstances, to  
21 apprise Class Members of the pendency of the Action and the proposed Settlement and of their  
22 right to participate in the Settlement, to opt out of the Settlement, to object to the Settlement, and  
23 to appear at the Fairness Hearing, and (d) met all applicable requirements of due process, the  
24 Code of Civil Procedure and other applicable authorities.

25 4. The Court finds that adequate time has been provided for Class Members to  
26 respond to the Class Notice, including by opting out of the Settlement or objecting to the  
27 Settlement or to Plaintiff’s Motion for Approval of Fee and Expense Award.  
28

1           5.       The Court finds that the Settlement, the terms of which are set forth in the  
2 Agreement, is fair, adequate, and reasonable as to the settling Parties, including the Settlement  
3 Class Members, and is in the best interests of all those affected by the Settlement. The Court  
4 finds that the Settlement was the result of vigorously contested litigation and good-faith arm's-  
5 length negotiations, and is reasonable based on the risks, expense, and complexity of the Action  
6 and the likelihood of success in it. The Court hereby grants final approval of the Parties'  
7 Settlement, as set forth in the Agreement, and enters Judgment accordingly. The Parties are  
8 directed to perform the terms of the Agreement and to report to the Court when that performance  
9 has been completed.

10           6.       The Court has already determined solely for purposes of this Settlement, by way  
11 of its Preliminary Approval Order, that the Settlement Classes satisfy the applicable standards for  
12 certification under the Code of Civil Procedure. The Settlement Classes, which will be bound by  
13 this Final Approval Order and Judgment, include all Class Members who did not submit a timely  
14 and valid Request for Exclusion. The Class Members who have opted out of the Settlement by  
15 submitting a timely and valid Request for Exclusion are listed on Exhibit 1 hereto. For purposes  
16 of the Settlement and this Final Approval Order and Judgment, the Settlement Classes shall be  
17 represented by Plaintiffs and shall include Plaintiffs and all members of the Alleged  
18 Misclassification Class and the Alleged Reimbursement Class—i.e., all current and former  
19 employees of Defendant in the State of California subject to Defendant's Bank Time Policy and  
20 whom Defendant classified as exempt at any time from November 15, 2018 to June 9, 2025, and  
21 all current and former employees (whether exempt or non-exempt) of Defendant in the State of  
22 California from March 16, 2020 to June 9, 2025—excluding only those persons listed in **Exhibit**  
23 **1** who submitted timely and valid Requests for Exclusion.

24           7.       The Court appoints Plaintiffs as class representatives for the Settlement Classes.

25           8.       The Court appoints Class Counsel identified in the Agreement as class counsel for  
26 the Settlement Classes, finding that Class Counsel is adequate and qualified, and has, and can  
27 continue, to fully and faithfully represent the interests of Plaintiffs and the Settlement Class  
28 Members.

1           9.       Settlement Class Members shall be paid their respective shares of the Net  
2 Settlement Sum, as provided in the Agreement.

3           10.       The portion of the PAGA Settlement Amount to be paid to the California Labor  
4 and Workforce Development Agency (“LWDA”) and the portion of the PAGA Settlement  
5 Amount to be paid to PAGA Group Members shall be paid as provided in the Agreement. The  
6 LWDA and all PAGA Group Members shall be and hereby are bound by this Final Approval  
7 Order and Judgment.

8           11.       The Settlement Administrator shall timely and properly prepare and deliver  
9 necessary tax documentation to all necessary parties and to report all necessary information to  
10 the applicable government entities as required by law.

11           12.       The unopposed application of Class Counsel’s Fee and Expense Award is hereby  
12 granted. The sum of \$1,636,666.67 as attorneys’ fees, and costs of \$27,376.72, shall be paid to  
13 Class Counsel, with payment to be made as provided for in the Agreement. A General Release  
14 Payment in the amount of \$7,500 shall be paid to Plaintiff Yesenia Gutierrez, and a General  
15 Release Payment in the amount of \$7,500.00 shall be paid to plaintiff Kathy Chan, with the  
16 payments to be made as provided for in the Agreement. Settlement Services, Inc. shall be paid  
17 Settlement Administration Costs of \$57,250.00, in accordance with the terms of the Agreement.  
18 Except as expressly set forth in this Final Approval Order and Judgment, the Parties shall bear  
19 their own attorneys’ fees and costs.

20           13.       Any portion of the Settlement Fund remaining after administration of the  
21 Settlement has been completed shall be transmitted to Child Advocates of San Bernardino  
22 County (C.A.S.A.), as provided in the Agreement.

23           14.       The Settlement Administrator is hereby directed to make the payments set forth  
24 herein, in accordance with the terms and conditions of the Agreement.

25           15.       By no later than October 13, 2026, the Settlement Administrator shall file a report  
26 setting forth (1) the total amount of money paid to the Settlement Class Members as Class  
27 Settlement Awards, (2) the total amount of money paid to PAGA Group Members as PAGA  
28 Settlement Awards, (3) the portion of the PAGA Settlement Amount paid to the LWDA, and

1 (4) the Fee and Expense Award paid to Class Counsel. (Code Civ. Proc., § 384, subd. (b).)

2 16. All Class Members, except those who timely opted out of the Settlement (listed in  
3 Exhibit 1 hereto), are bound by this Final Approval Order and Judgment, and by the previously  
4 approved Agreement. Each Settlement Class Member is hereby deemed to have fully, finally,  
5 and forever released, relinquished, and discharged Defendant and all Released Parties, as defined  
6 in the Agreement, from the Released Claims described in the Agreement.

7 17. All PAGA Group Members and the LWDA are bound by this Final Approval  
8 Order and Judgment, and by the previously approved Agreement. Each PAGA Group Member  
9 and the State of California are hereby deemed to have expressly released, waived, and  
10 relinquished the Released PAGA Claims. All PAGA Group Members are hereby barred from  
11 bringing, joining, or otherwise participating in a PAGA representative action or otherwise  
12 making, joining, or otherwise participating in a claim against any of the Released Parties for any  
13 of the Released PAGA Claims. The State of California shall be barred from pursuing recovery  
14 of any civil penalties from any of the Released Parties for any of the Released PAGA Claims.

15 18. This Final Approval Order and Judgment, the Agreement, the Settlement it  
16 reflects, and any and all acts, statements, documents, or proceedings relating to the Settlement  
17 are not, and shall not be construed as, or used as an admission by Defendant, or a finding by this  
18 Court of any fault, wrongdoing, or liability on the part of Defendant, or of the validity of any of  
19 the Released Claims or the Released PAGA Claims or of the existence or amount of any  
20 damages.

21 19. In the event the Effective Date does not occur, this Final Approval Order and  
22 Judgment shall be null and void and shall be vacated, *nunc pro tunc*, except insofar as expressly  
23 provided to the contrary in the Agreement, and without prejudice to the status quo ante rights of  
24 Plaintiffs, Settlement Class Members, and Defendant.

25 20. Judgment is hereby entered in accordance with the Agreement and the Settlement.  
26 Without affecting the finality of this Final Approval Order and Judgment in any way, the Court  
27 shall retain jurisdiction over the implementation of the Settlement, including enforcement and  
28 administration of the Agreement and the releases given in connection therewith, and any other

1 matters related or ancillary to the foregoing.

2 IT IS SO ORDERED, ADJUDGED, AND DECREED.

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4 Dated: NOV 03 2025



5 \_\_\_\_\_  
6 The Honorable Christian Towns  
7 Judge of the Superior Court

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# Exhibit 1

**epiq** Gutierrez v Esri  
(CA40086169)

Opt Out	Name	Telephone	Statement	Signature	STATUS	Postmark Date	Received Date
1	Tim Kay	TRUE	TRUE	TRUE	VALID	7/21/2025	7/24/2025
2	John Dennis Grayson	TRUE	TRUE	TRUE	VALID	7/21/2025	7/24/2025
3	Steven Huffman	FALSE	TRUE	TRUE	NOT VALID	7/21/2025	7/24/2025
4	Angela Huffman	FALSE	TRUE	TRUE	NOT VALID	7/21/2025	7/24/2025
5	Matvei Stefanov	TRUE	TRUE	TRUE	VALID	7/21/2025	7/24/2025
6	Sophia Di Meo Nee' Fiorentino	TRUE	TRUE	TRUE	VALID	7/21/2025	7/24/2025
7	Yev Kuzmin	TRUE	TRUE	TRUE	VALID	7/24/2025	7/28/2025
8	Katherine Hill	FALSE	TRUE	TRUE	NOT VALID	7/24/2025	7/28/2025
9	Estella Marie Geraghty	TRUE	TRUE	TRUE	VALID	7/25/2025	7/28/2025
10	Diego Sanchez Estrella	TRUE	TRUE	TRUE	VALID	7/23/2025	7/28/2025
11	Ryan Cosby	TRUE	TRUE	TRUE	VALID	7/26/2025	7/28/2025
12	Dominik Tarolfi	TRUE	TRUE	TRUE	VALID	7/24/2025	7/28/2025
13	Robert Peter Blischke	TRUE	TRUE	TRUE	VALID	7/29/2025	8/1/2025
14	Paul Vincent Dobb	TRUE	TRUE	TRUE	VALID	7/29/2025	8/1/2025
15	Patricia Ann Breslin	TRUE	TRUE	TRUE	VALID	7/29/2025	8/1/2025
16	Nicholas O'Day	TRUE	TRUE	TRUE	VALID	8/1/2025	8/4/2025
17	Moesaeah King	TRUE	TRUE	TRUE	VALID	8/5/2025	8/5/2025
18	Christina Haskins	TRUE	TRUE	TRUE	VALID	8/1/2025	8/5/2025
19	Michael Nelson	TRUE	TRUE	TRUE	VALID	8/2/2025	8/5/2025
20	John Foster	TRUE	TRUE	TRUE	VALID	8/4/2025	8/7/2025
21	Sergey Korytnik	TRUE	TRUE	TRUE	VALID	8/8/2025	8/11/2025
22	Lisa Thouas	TRUE	TRUE	TRUE	VALID	8/6/2025	8/11/2025
23	Jacob Thouas	TRUE	TRUE	TRUE	VALID	8/7/2025	8/11/2025
24	William Morgenstern	TRUE	TRUE	TRUE	VALID	8/9/2025	8/12/2025
25	Mark Parker	TRUE	TRUE	TRUE	VALID	8/7/2025	8/12/2025
26	Timothy Brazeal	TRUE	TRUE	TRUE	VALID	8/9/2025	8/12/2025
27	Makram Murad- Al- Shaikh	TRUE	TRUE	TRUE	VALID	8/9/2025	8/12/2025
28	Darron Pustam	FALSE	TRUE	TRUE	NOT VALID	8/11/2025	8/14/2025
29	Roshan Herbert	TRUE	TRUE	TRUE	VALID	8/11/2025	8/14/2025
30	Kelly Mogharrabi	TRUE	TRUE	TRUE	VALID	8/12/2025	8/15/2025
31	James Barry	TRUE	TRUE	TRUE	VALID	8/13/2025	8/18/2025
32	Marina Begg	TRUE	TRUE	TRUE	VALID	8/13/2025	8/18/2025
33	Amy Niessen	TRUE	TRUE	TRUE	VALID	8/13/2025	8/18/2025
34	Antje Riley	TRUE	TRUE	TRUE	VALID	8/14/2025	8/19/2025
35	Gary Moneysmith	TRUE	TRUE	TRUE	VALID	8/16/2025	8/19/2025
36	Bill Derrenbacher	TRUE	TRUE	TRUE	VALID	8/16/2025	8/21/2025
37	Edmond R McCormick	TRUE	TRUE	TRUE	VALID	8/16/2025	8/21/2025
38	Lalitha Pidaparathi	TRUE	TRUE	TRUE	VALID	8/18/2025	8/21/2025
39	Lisa Fisher	TRUE	TRUE	TRUE	VALID	8/18/2025	8/21/2025
40	Kyle Albert Heinemann	TRUE	TRUE	TRUE	VALID	8/19/2025	8/22/2025
41	Dawn Layman	TRUE	TRUE	TRUE	VALID	8/19/2025	8/22/2025
42	Konstantin Kutsner	TRUE	TRUE	TRUE	VALID	8/19/2025	8/22/2025
43	Henry Yong-Jae Hyun	TRUE	TRUE	TRUE	VALID	8/20/2025	8/22/2025
44	Jennifer Hill	TRUE	TRUE	TRUE	VALID	8/22/2025	8/25/2025
45	Vladimir Sautin	TRUE	TRUE	TRUE	VALID	8/20/2025	8/25/2025
46	Dustin Hobbs	TRUE	TRUE	TRUE	VALID	8/20/2025	8/25/2025
47	Greg Merget	TRUE	TRUE	TRUE	VALID	8/20/2025	8/25/2025
48	Beth Bauler	TRUE	TRUE	TRUE	VALID	8/21/2025	8/25/2025
49	Lauren Meyer	TRUE	TRUE	TRUE	VALID	8/22/2025	8/25/2025
50	Sarah Greene	TRUE	TRUE	TRUE	VALID	8/23/2025	8/26/2025
51	Lauren Lipovic	FALSE	FALSE	TRUE	NOT VALID	8/23/2025	8/26/2025
52	Candace Ocampo	TRUE	TRUE	TRUE	VALID	8/25/2025	8/28/2025
53	Pavel Mamontov	TRUE	TRUE	TRUE	VALID	8/25/2025	8/28/2025

Opt Out	Name	Telephone	Statement	Signature	STATUS	Postmark Date	Received Date
54	Guy Noll	TRUE	TRUE	TRUE	VALID	8/25/2025	8/28/2025
55	Katherine Kohls	TRUE	TRUE	TRUE	VALID	8/26/2025	8/29/2025
56	Bryant Ireland	TRUE	TRUE	TRUE	VALID	8/26/2025	8/29/2025
57	Yuhyun Kwon	TRUE	TRUE	TRUE	VALID	8/26/2025	8/29/2025
58	Adelheid Freitag	TRUE	TRUE	TRUE	VALID	8/26/2025	8/29/2025
59	Andrea Rosso	TRUE	TRUE	TRUE	VALID	8/26/2025	8/29/2025
60	Peter Eredics	TRUE	TRUE	TRUE	VALID	8/29/2025	9/2/2025
61	Linda Thomas	TRUE	TRUE	TRUE	VALID	8/27/2025	9/2/2025
62	Siva Pidaparthi	TRUE	TRUE	TRUE	VALID	8/16/2025	9/2/2025
63	Monique Allen	TRUE	TRUE	TRUE	VALID		9/2/2025
64	Marlon Amaya	TRUE	TRUE	TRUE	VALID	8/29/2025	9/2/2025
65	John Lyell	TRUE	TRUE	TRUE	VALID	8/30/2025	9/2/2025
66	Eddie Koehn	TRUE	TRUE	TRUE	VALID	8/30/2025	9/2/2025
67	Randall Rene	TRUE	TRUE	TRUE	VALID	8/30/2025	9/2/2025
68	Heather Theilacker	FALSE	TRUE	TRUE	NOT VALID	8/29/2025	9/2/2025
69	Kyle Lisboa	TRUE	TRUE	TRUE	VALID	8/30/2025	9/2/2025
70	Peter Neave	TRUE	TRUE	TRUE	VALID	8/27/2025	9/2/2025
71	Gina Girgente	TRUE	TRUE	TRUE	VALID	8/28/2025	9/2/2025
72	Maxim Sattarov	TRUE	TRUE	TRUE	VALID	8/28/2025	9/2/2025
73	Adam White	TRUE	TRUE	TRUE	VALID	8/28/2025	9/2/2025
74	Mark Causley	TRUE	TRUE	TRUE	VALID	8/30/2025	9/4/2025
75	Peter Stonier	TRUE	TRUE	TRUE	VALID	8/30/2025	9/4/2025
76	Susan Keith	FALSE	TRUE	TRUE	NOT VALID	8/29/2025	9/4/2025
77	Kevin Mazzatta	TRUE	TRUE	TRUE	VALID	8/29/2025	9/4/2025
78	Erica Bolton	TRUE	TRUE	TRUE	VALID	8/29/2025	9/4/2025
79	Hugh Keegan	TRUE	TRUE	TRUE	NOT VALID	9/3/2025	9/8/2025
80	James A Hitchcock	FALSE	TRUE	TRUE	NOT VALID	8/2/2025	8/5/2025
81	Joseph Metzidis	FALSE	TRUE	TRUE	NOT VALID		9/25/2025