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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONOMA COUNTY ASSOCIATION OF
RETIRED EMPLOYEES, CHRISTOPHER
BAUER, MARGARET CHILDRESS, ED CLITES,
BETTY SEACORD, KATHY WERTZ, AND
GARY ZANOLINI,

Plaintiffs,

v.

SONOMA COUNTY,

Defendant.

No. CV 09-4432 (CW)

**ORDER GRANTING PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT,
CONFIRMING CERTIFICATION OF
CLASS, AND ENTERING FINAL
JUDGMENT**

On April 18, 2017, a hearing was held on the motion of Plaintiffs for final approval of their class action settlement, which this Court preliminarily approved in its order dated December 7, 2016 (the “Preliminary Approval Order”). ECF 303. In accordance with the Preliminary Approval Order, Class Members were given notice of the terms of the proposed settlement and the opportunity to object to it or to exclude themselves from its provisions. In addition, pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), Defendant Sonoma County (“the County”) has given the Attorney General of the United States and the Attorney General for each of the fifty states timely notice of the Settlement. ECF 300.

1 Having received and considered the Settlement Agreement (“the Settlement”), the supporting
2 papers, and the evidence to the Court in connection with the motions for preliminary approval and final
3 approval of class action settlement, and having heard and considered argument at the final approval
4 hearing on April 18, 2017, by means of this order (the “Final Approval Order”) the Court grants final
5 approval of the Settlement, and HEREBY FINDS AND ORDERS as follows:
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- 7 1. Except as otherwise specified herein, the Court for purposes of this Final Approval Order adopts
8 all defined terms set forth in the Settlement.
- 9 2. This Court has jurisdiction over the subject matter of this litigation and all related matters and all
10 state and federal claims raised in this action and all claims released in the Settlement, and
11 personal jurisdiction over the County and all Class Members. Specifically, this Court has federal
12 question jurisdiction over the claims Plaintiffs brought under the United States Constitution
13 pursuant to 28 U.S.C. sections 1331 and 1343.
- 14 3. This Court also has supplemental jurisdiction over all state-law claims asserted by Plaintiffs
15 because the state-law claims derive from a common nucleus of operative fact and form part of
16 the same case or controversy as those claims over which the Court has primary jurisdiction. *See*
17 28 U.S.C. § 1367 (providing for supplemental jurisdiction over related state-law claims that
18 “form part of the same case or controversy”); *United Mine Workers v. Gibbs*, 383 U.S. 715, 726
19 (1996) (federal courts have supplemental jurisdiction over state law claims that arise from the
20 same “common nucleus of operative fact” such that the parties “would ordinarily be expected to
21 try them all in one judicial proceeding”).
- 22 4. This Court also has jurisdiction to approve the Settlement’s release of claims by all Class
23 Members, even if the Court would not independently have jurisdiction over those released
24 claims. *See Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 748 (9th Cir. 2006)
25 (quoting *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1287-89 (9th Cir. 1992)).
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- 1 5. Pursuant to the Preliminary Approval Order, the Claims Administrator sent a Notice of Class
2 Action Settlement (the “Class Notice”) to each Class Member by first-class mail. The Class
3 Notice informed Class Members of the terms of the Settlement, their right to object to the
4 Settlement or to elect not to participate in the Settlement, and their right to appear in person or by
5 counsel at the final approval hearing and be heard regarding approval of the Settlement.
6 Adequate periods of time were provided for these procedures.
7
- 8 6. The Court finds and determines that the Class Notice and the procedure for its distribution
9 afforded adequate protections to Class Members and provide the basis for the Court to make an
10 informed decision regarding approval of the Settlement based on the responses of Class
11 Members. Notice was accomplished in all material respects in the manner prescribed by the
12 Settlement. The Court finds and determines that the notice provided in this case was the best
13 notice practicable, which satisfied the requirements of law and due process.
14
- 15 7. Pursuant to CAFA, not later than 10 days after the motion seeking preliminary approval of the
16 Settlement was filed in court, the County served upon the Attorney General of the United States
17 and the appropriate state official of each state in which a class member resides a notice of the
18 Settlement consisting of: a copy of the complaint in this action; a notice of the scheduled judicial
19 hearings in this class action; copies of the Settlement and proposed Class Notice; and the
20 estimated number of class members who reside in each state and the estimated proportionate
21 share of the claims of class members in each state. The notice of Settlement also invited
22 comment on the Settlement. This Final Approval Order is not being issued earlier than 90 days
23 after the later of the dates on which the appropriate federal and state officials were served with
24 the notice of proposed settlement.
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- 26 8. The Court finds and determines that the County’s notice of Settlement was timely, adequate, and
27 compliant with the statutory requirements of CAFA. Accordingly, 28 U.S.C. § 1715(e) has no
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1 application to the Settlement.

2 9. For the reasons stated in the Preliminary Approval Order, this Court finds and determines that
3 the Class, as defined in the definitions section of the Settlement and its Preliminary Approval
4 Order, and as slightly modified for clarity as set forth below, meets all of the legal requirements
5 for class certification under Federal Rule of Civil Procedure 23 (“Rule 23”) (a) and (b)(3). It is
6 hereby ordered that the Class is finally approved and certified as a class for purposes of
7 settlement of this action.
8

9 10. Class Members bound by this Settlement are all individuals who meet the following definition,
10 no Class Members having opted out:

11 The Class consists of “Eligible County Retirees”.

12 Eligible County Retirees means retired former employees of Sonoma County (“the County”) or
13 County Special Districts who meet the following criteria:

- 14 1. Retired from the County or a County Special District on or before June 30, 2016; and
15
16 2. Were hired by the County or a County Special District on or before December 31, 1989,
17 and had been a contributing member of the Sonoma County Employees Retirement Association
18 (“SCERA”) and retired directly from the County or a County Special District service; OR
19
20 3. Were hired by the County or a County Special District on or after January 1, 1990
21 through December 31, 2008, had at least 10 consecutive years of full time paid County or County
22 Special District service, and had been a contributing member of the Sonoma County Employees
23 Retirement Association (“SCERA”) and retired directly from County employment or County
24 Special District employment.
25
26 4. “Eligible County Retirees” also includes all of the following:
27
28 (a) Retirees of the Sonoma County Superior Court who were County employees at
the time of retirement before January 1, 2001 and who upon retirement, enrolled
in a County Offered Medical Plan, were eligible to receive a monthly medical
contribution, and met the eligibility criteria in No. 2 or No. 3, above.

(b) County or County Special District employees who retired on or before June 30,
2016 and upon retirement were eligible to receive a monthly medical contribution
and upon retirement or thereafter waived coverage for themselves and the Eligible
County Retiree’s Eligible Dependent(s) (as defined in Paragraph 3.13 of the
Settlement Agreement) and have a signed “Waiver of Medical Plan
Acknowledgement” on file with the County. County employees who cancelled or

1 dropped coverage in writing at the time of retirement, or at a later date, without a
2 right to re-enroll are not Eligible County Retirees.

3 (c) Any retired employee of a County Special District currently receiving a \$500
4 monthly medical contribution from the County as of June 30, 2016, including
5 without limitation such retired employees of Sonoma County Transportation
6 Authority, In Home Support Services Public Authority, or the Sonoma County
7 Law Library.

8 (d) Any surviving spouse of a deceased Settling County Retiree, as defined in the
9 Settlement Agreement, who is enrolled in a County Offered Medical Plan and was
10 receiving a \$500 or less County Medical Contribution as of June 30, 2016.

11 11. The Court confirms as final the appointment of Plaintiffs Christopher Bauer, Margaret Childress,
12 Ed Clites, Betty Seacord, Kathy Wertz, and Gary Zanolini as the Class Representatives under
13 Rule 23.

14 12. The Court confirms as final the appointment of Keller Rohrback L.L.P. as Class Counsel under
15 Rule 23(g).

16 13. Pursuant to Rule 23(e), the Court further finds and determines that the terms of the Settlement
17 are fair, reasonable and adequate to the Class and to each Class Member and that the Class
18 Members who have not opted out will be bound by the Settlement, that the Settlement is ordered
19 finally approved, and that all terms and provisions of the Settlement should be and hereby are
20 ordered to be consummated. The Court specifically finds that the Settlement is rationally related
21 to the strength of plaintiffs' claims given the risk, expense, complexity, and duration of further
22 litigation. This Court also finds that the Settlement is the result of arms-length negotiations
23 between experienced counsel representing the interests of the Class and the County, after
24 thorough factual and legal investigation. *Staton v. Boeing*, 327 F.3d 938, 960 (9th Cir. 2003);
25 *Class Plaintiffs*, 955 F.2d at 1291.

26 14. The Court further finds that the response of the Class to the Settlement supports settlement
27 approval. Of the approximately 3,300 Class Members, none elected to opt out of the Settlement.
28

1 Only one Class Member filed a written objection to the Settlement as part of this notice process,
2 and none stated an intent to appear at the final approval hearing.

3 15. By operation of the entry of this Final Approval Order and pursuant to the Settlement, all Class
4 Members are permanently barred from prosecuting any Released Claims against any of the
5 Released Parties, as defined in the Settlement Agreement. The Court dismisses with prejudice
6 any and all claims alleged by Plaintiff Sonoma County Association of Retired Employees on
7 behalf of itself and retired County employees.
8

9 16. If, for any reason, the Settlement ultimately does not become Final, this Final Approval Order
10 will be vacated and the Parties will return to their respective positions in this action as those
11 positions existed immediately before the parties executed the Settlement;
12

13 17. By means of this Final Approval Order, this Court hereby enters final judgment in this action, as
14 defined in Federal Rule of Procedure 58(a)(1).

15 18. Without affecting the finality of the Court's judgment in any way, the Court retains jurisdiction
16 over this matter for purposes of resolving issues relating to interpretation, administration,
17 implementation, effectuation, and enforcement of the Settlement until June 30, 2023, as set forth
18 in Section 10.3 of the Settlement.

19 19. The Parties are hereby ordered to comply with the terms of the Settlement. This action is
20 dismissed with prejudice (other than as specified in Paragraph 18, above), each side to bear its
21 own costs and attorneys' fees.
22

23 **IT IS SO ORDERED.**

24 DATED: April 19, 2017

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26 

27 Hon. Claudia Wilken
28 U.S. DISTRICT COURT JUDGE