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Superior Court Of California
County Of Los Angeles

DEC 15 2016

Sherril R. Carter, Executive Officer/Clerk
By: Aldwin Lim, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL CIVIL WEST

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JARON JENKINS, individually and on behalf
of other members of the general public
similarly situated,

Plaintiff,

v.

GRAYBAR ELECTRIC COMPANY, INC.
and DOES 1 through 100, inclusive,

Defendants.

Case No.: BC580363

Honorable William F. Highberger
Department 322

CLASS ACTION

~~Proposed~~ **FINAL APPROVAL
ORDER AND JUDGMENT**

Date: December 15, 2016
Time: 10:00 a.m.
Dept.: 322

Complaint Filed: April 30, 2015
FAC Filed: April 20, 2016
Trial Date: None Set

1 This matter has come before the Honorable William F. Highberger in Department 322 of
2 the above-entitled Court located at 600 S. Commonwealth Avenue, Los Angeles, California
3 90012, on Plaintiff Jaron Jenkins' ("Plaintiff") Motion for Final Approval of Class Action
4 Settlement, Attorneys' Fees, Costs, and Service Payment ("Motion for Final Approval").

5 On June 13, 2016, the Court granted Plaintiff's Motion for Preliminary Approval of Class
6 Action Settlement, entering an Order Granting Preliminary Approval, and thereby preliminarily
7 approving the settlement of the Action in accordance with the Settlement Agreement and Release
8 ("Settlement," "Agreement," or "Settlement Agreement"), which, together with the exhibits
9 annexed thereto, sets forth the terms and conditions for settlement and dismissal of the Action;

10 A hearing on Plaintiff's Motion for Final Approval was held on December 15, 2016.

11 Having duly considered the Parties' papers and oral argument, and good cause appearing,

12 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

13 1. This Court has jurisdiction over the claims of the Class Members asserted in this
14 proceeding and over all Parties to the Action.

15 2. The Court finds that the applicable requirements of California Code of Civil
16 Procedure section 382 and Rule 3.769 of the California Rule of Court have been satisfied with
17 respect to the Class and the Settlement. The Court hereby makes final its earlier provisional
18 certification of the Class for settlement purposes, as set forth in the Order Granting Preliminary
19 Approval.

20 3. The Notice given to the Class Members fully and accurately informed the Class
21 Members of all material elements of the Settlement and of their opportunity to object to or
22 comment thereon or to seek exclusion from the Settlement; was the best notice practicable under
23 the circumstances; was valid, due, and sufficient notice to all Class Members; and complied fully
24 with the laws of the State of California, the United States Constitution, due process and other
25 applicable law. The Notice fairly and adequately described the Settlement and provided the
26 Class Members adequate instructions and a variety of means to obtain additional information.

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1 4. Pursuant to California law, the Court hereby grants final approval of the
2 Settlement and finds it reasonable and adequate, and in the best interests of the Class as a whole.
3 More specifically, the Court finds that the Settlement was reached following meaningful
4 discovery and investigation conducted by Class Counsel; that the Settlement is the result of
5 serious, informed, adversarial, and arms-length negotiations between the Parties; and that the
6 terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court
7 has considered all of the evidence presented, including evidence regarding the strength of the
8 Plaintiff's case; the risk, expense, and complexity of the claims presented; the likely duration of
9 further litigation; the amount offered in the Settlement; the extent of investigation and discovery
10 completed; and the experience and views of Class Counsel. The Court has also considered the
11 absence of objection to the Settlement by the Class Members, as well as the small number of
12 Requests for Exclusion. Accordingly, the Court hereby directs that the Settlement be affected in
13 accordance with the Settlement Agreement and the following terms and conditions.

14 5. A full opportunity has been afforded to the Class Members to participate in this
15 hearing, and all Class Members and other persons wishing to be heard have been heard. Class
16 Members also have had a full and fair opportunity to exclude themselves from the Settlement
17 and the Class. Accordingly, the Court determines that all Class Members who did not timely and
18 properly execute a Request for Exclusion are bound by this Final Approval Order and Judgment.

19 6. It is hereby ordered that the Settlement Administrator, Simpluris, Inc., shall issue
20 payment to itself in the amount of \$8,000.00 for the services performed and costs incurred in
21 administration of the Settlement.

22 7. It is hereby ordered that the Settlement Administrator shall issue the Individual
23 Settlement Payments to the Claimants according to the methodology and terms set forth in the
24 Settlement Agreement.

25 8. The Court finds that the Service Payment sought is fair and reasonable for the
26 work performed by Plaintiff Jaron Jenkins on behalf of the Class and in exchange for a general
27 release. It is hereby ordered that that the Settlement Administrator issue payment to Plaintiff
28 Jaron Jenkins in the amount of \$15,000.00 for his Class Representative Service Payment.

9. The Court finds that the \$10,000.00 allocated toward penalties under the California Labor Code's Private Attorney General Act of 2004, as amended, California Labor Code section 2698 *et seq.* ("PAGA"), are fair, reasonable, and appropriate, and hereby approved. The Settlement Administrator shall issue the PAGA Payment in the amount of \$7,500.00 to the California Labor and Workforce Development Agency, and shall distribute the remaining penalties allocation in the amount of \$2,500.00 to the Claimants on a *pro rata* basis according to the terms of the Settlement Agreement.

10. The Court finds that Class Counsel's request for a Fee and Expense Award in the amount of \$437,500.00 for attorneys' fees, plus reimbursement of Class Counsel's litigation costs and expenses in the amount of \$14,708.65, falls within the range of reasonableness, and the result achieved justifies the award sought. The requested attorneys' fees and requested costs and expenses are fair, reasonable, and appropriate, and are hereby approved. It is hereby ordered that the Settlement Administrator shall issue payment for the Fee and Expense Award to Class Counsel in the amount of \$437,500.00 for attorneys' fees, plus \$14,708.65 for litigation costs and expenses, to Lawyers *for* Justice, PC.

11. Neither the making of the Settlement Agreement nor the entry into the Settlement Agreement constitutes an admission by Defendant, nor is this Final Approval Order and Judgment a finding of the validity of any claims in the operative Complaint or of any other wrongdoing. Further, the Settlement Agreement is not a concession, and shall not be used as an admission of any wrongdoing, fault, or omission of any entity or persons; nor may any action taken to carry out the terms of the Settlement Agreement be construed as an admission or concession by or against Defendant or any related person or entity.

12. With this final approval of the Settlement, the Court hereby enters judgment by which Class Members (other than those who submitted a timely and valid Exclusion Letters and, with respect to claims under the FLSA, other than those who did not submit a Claim Form) shall conclusively be deemed to have given a release, as set forth in the Settlement Agreement and Notice, against the Released Parties, as to the Class Released Claims. All such Class Members shall be permanently enjoined and forever barred from asserting any Class Released Claims

1 against the Released Parties, based on the operative facts alleged in the Action, from April 30,
2 2011 through June 13, 2016.

3 13. After entry of this Final Approval Order and Judgment, pursuant to California
4 Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret,
5 implement, and enforce the Agreement, to hear and resolve any contested challenge to a claim
6 for settlement benefits, and to supervise and adjudicate any dispute arising from or in connection
7 with the distribution of settlement benefits.

8 14. Notice of entry of this Final Approval Order and Judgment shall be given to the
9 Class Members by posting a copy of the Final Approval Order and Judgment on Simpluris, Inc.'s
10 website for a period of at least sixty (60) days after the date of entry of this Final Approval Order
11 and Judgment. The time for any appeal shall run from the Court's entry of this Final Approval
12 Order and Judgment.

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14 Dated: 12/15/16

WILLIAM F. HIGHBERGER, JUDGE

HONORABLE WILLIAM F. HIGHBERGER
JUDGE OF THE SUPERIOR COURT

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