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8 *Attorneys for Plaintiff and the Putative Class*

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

APR 30 2018

BY Theresa Handeides DEPUTY

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**

12 ALISA JONES; individually, and on behalf of
13 other members of the general public similarly
situated,

14 Plaintiff,

15 vs.

16 HORIZON HOBBY, LLC, an unknown
17 business entity; and DOES 1 through 100,
inclusive,

18 Defendants.

Case No.: CIVDS1509546

Honorable Janet M. Frangie
Department S29

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Incentive Award;
Declarations of Class Counsel (Edwin
Aiwazian and V. Andre Sherman); Declaration
of Class Representative (Alisa Jones); and
Declaration of Settlement Administrator
(Christina Francisco) filed concurrently
herewith]

Date: April 30, 2018
Time: 8:30 a.m.
Department: S29

Complaint Filed: July 9, 2015
FAC Filed: June 1, 2017
Jury Trial: None Set

COPY

1 This matter has come before the Honorable Janet M. Frangie in Department S29 of the
2 above-entitled Court, located at the San Bernardino Justice Center, 247 West Third Street, San
3 Bernardino, California 92415, on Plaintiff Alisa Jones' ("Plaintiff") Motion for Final Approval of
4 Class Action Settlement, Attorneys' Fees, Costs, and Incentive Award ("Motion for Final
5 Approval"). Lawyers for Justice, PC appeared on behalf of Plaintiff and Thompson Coburn LLP
6 appeared on behalf of Defendant Horizon Hobby, LLC ("Defendant").

7 On November 30, 2017, the Court entered an Order Granting Preliminary Approval of Class
8 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
9 of the above-entitled action ("Action") in accordance with the Class Action Settlement Agreement
10 and Release of Claims ("Settlement," "Agreement," or "Settlement Agreement"), which, together
11 with the exhibits annexed thereto, set forth the terms and conditions for settlement of the Action.

12 Having reviewed the Settlement Agreement and duly considered the parties' papers and oral
13 argument, and good cause appearing,

14 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

15 1. All terms used herein shall have the same meaning as defined in the Settlement
16 Agreement and the Preliminary Approval Order.

17 2. This Court has jurisdiction over the claims of the Putative Class Members asserted in
18 this proceeding and over all parties to the Action.

19 3. The Court finds that the applicable requirements of California Code of Civil
20 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect
21 to the Putative Class and the Settlement. The Court hereby makes final its earlier provisional
22 certification of the Putative Class for settlement purposes, as set forth in the Preliminary Approval
23 Order. The Putative Class is hereby defined to include:

24 All current and former hourly-paid or non-exempt employees who worked for
25 Defendant within the State of California at any time from July 9, 2011 up to and
including November 30, 2017.

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1 4. The Notice of Class Action Settlement (“Notice”) that was provided to the Putative
2 Class Members, fully and accurately informed the Putative Class Members of all material elements
3 of the Settlement and of their opportunity to participate in, object to or comment thereon, or to seek
4 exclusion from, the Settlement; was the best notice practicable under the circumstances; was valid,
5 due, and sufficient notice to all Putative Class Members; and complied fully with the laws of the
6 State of California, the United States Constitution, due process, and other applicable law. The
7 Notice fairly and adequately described the Settlement and provided the Putative Class Members
8 with adequate instructions and a variety of means to obtain additional information.

9 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
10 and finds it reasonable and adequate, and in the best interests of the Putative Class as a whole. More
11 specifically, the Court finds that the Settlement was reached following meaningful discovery and
12 investigation conducted by Class Counsel; that the Settlement is the result of serious, informed,
13 adversarial, and arms-length negotiations between the parties; and that the terms of the Settlement
14 are in all respects fair, adequate, and reasonable. In so finding, the Court has considered all of the
15 evidence presented, including evidence regarding the strength of the Plaintiff’s case; the risk,
16 expense, and complexity of the claims presented; the likely duration of further litigation; the
17 amount offered in the Settlement; the extent of investigation and discovery completed; and the
18 experience and views of Class Counsel. The Court has further considered the absence of objections
19 and Requests for Exclusion from the Settlement by Putative Class Members. Accordingly, the
20 Court hereby directs that the Settlement be affected in accordance with the Settlement Agreement
21 and the following terms and conditions.

22 6. A full opportunity has been afforded to the Putative Class Members to participate in
23 the Final Approval Hearing, and all Putative Class Members and other persons wishing to be heard
24 have been heard. The Putative Class Members also have had a full and fair opportunity to exclude
25 themselves from the Settlement. Accordingly, the Court determines that all Putative Class
26 Members who did not submit a valid and timely Request for Exclusion to the Settlement
27 Administrator (“Settlement Class Members”), irrespective of whether a Putative Class Member(s)
28 actually received notice of the Settlement and/or claim to have not received notice of the

1 Settlement, are bound by this Final Approval Order and Judgment. Putative Class Members who
2 have submitted valid and timely Requests for Exclusion from the Settlement are not Settlement
3 Class Members, shall not be bound by the terms of the Settlement, shall be barred from
4 participating in the Settlement, shall have no right to object to the Settlement, and shall receive no
5 benefits from the Settlement.

6 7. It is hereby ordered that Defendant shall transmit the Gross Settlement Amount to
7 the Settlement Administrator within fifteen (15) calendar days of the Effective Date, in accordance
8 with the Settlement Agreement.

9 8. It is hereby ordered that the Settlement Administrator, Simpluris, Inc. ("Simpluris"),
10 shall issue payment to itself in the amount of \$9,359 for the services performed and costs incurred
11 for the notice and settlement administration process, in accordance with the Settlement Agreement.

12 9. It is hereby ordered that the Settlement Administrator shall issue the Individual
13 Settlement Payment checks to all Settlement Class Members, according to the methodology and
14 terms set forth in the Settlement Agreement.

15 10. It is further ordered, pursuant to California Code of Civil Procedure section 384, that
16 all Individual Settlement Payment checks issued to Settlement Class Members that are not cashed
17 within one hundred eighty (180) calendar days after they are issued will be cancelled and the funds
18 associated with all such cancelled checks will be forwarded to the State of California's Unclaimed
19 Property Division, within ten (10) calendar days of the expiration of the 180-day period. The Court
20 finds that the manner of distribution of funds associated with uncashed Individual Settlement
21 Payment checks is an alternative distribution within the meaning of California Code of Civil
22 Procedure section 384(b)(1), that better serves the interest of the Putative Class because it allows
23 those individuals who are issued Individual Settlement Payment checks, but who fail to cash them,
24 an additional opportunity to obtain monetary benefits from the Settlement.

25 11. The Court finds that the Incentive Award sought is fair and reasonable for the work
26 performed by Plaintiff on behalf of the Putative Class. It is hereby ordered that the Settlement
27 Administrator issue payment to Plaintiff Alisa Jones in the amount of \$6,000 for her Incentive
28 Award.

1 12. The Court finds that the request for an award of attorneys' fees in the amount of
2 \$140,000 falls within the range of reasonableness, and the results achieved justify the award sought.
3 The requested attorneys' fees are fair, reasonable, and appropriate, and are hereby approved. It is
4 hereby ordered that the Settlement Administrator issue payment in the amount of \$140,000 for
5 attorneys' fees, in accordance with the Settlement, as follows: \$105,000 to Lawyers *for* Justice, PC
6 and \$35,000 to Girardi & Keese.

7 13. The Court finds that reimbursement of litigation costs and expenses in the amount of
8 \$20,000 incurred by Class Counsel is reasonable, and hereby approved. It is hereby ordered that
9 the Settlement Administrator issue payment in the amount of \$20,000 for reimbursement of
10 litigation costs and expenses, in accordance with the Settlement, as follows: \$10,540.67 to Lawyers
11 *for* Justice, PC and \$9,459.33 to Girardi & Keese.

12 14. The Court hereby enters Judgment by which Settlement Class Members shall be
13 conclusively determined to have given a release of any and all Released Claims against the
14 Released Parties, as set forth in the Settlement Agreement and the Notice.

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

20 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
21 Putative Class Members by posting a copy of the Final Approval Order and Judgment on Simpluris,
22 Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of this Final
23 Approval Order and Judgment. No individualized notice shall be required.

24
25 Dated: **APR 30 2018**

JANET M. FRANGIE

HONORABLE JANET M. FRANGIE
JUDGE OF THE SUPERIOR COURT