

NOV 02 2016

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By: K. Clark

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

BY FAX

10 ROBERT MIRANDA; individually, and on
11 behalf of other members of the general public
12 similarly situated;

13 Plaintiff,

14 vs.

15 LRS REALTY AND MANAGEMENT, INC.,
a California Corporation; and DOES 1 through
16 100, inclusive;

17 Defendants.

Case No.: BC553277

Honorable William F. Highberger
Department 322

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs and Service
Award; Declaration of Class Counsel
(Edwin Aiwazian); Declaration of Class
Representative (Robert Miranda); and
Declaration of Settlement Administrator
(Christina Francisco) filed concurrently
herewith]

Hearing Date: November 2, 2016
Hearing Time: 10:00 a.m.
Hearing Place: Department 322

Complaint Filed: July 31, 2014
Jury Trial: 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 South Commonwealth Avenue, Los Angeles, California
3 90005, on Plaintiff Robert Miranda's ("Plaintiff") Motion for Final Approval of Class Action
4 Settlement, Attorneys' Fees, Costs, and Service Award ("Motion for Final Approval").

5 On January 19, 2016, the Court granted Plaintiff's Motion for Preliminary Approval of
6 Class Action Settlement, entering an Order Granting Preliminary Approval, and thereby
7 preliminarily approving the settlement of the Action in accordance with the Joint Stipulation Re:
8 Class Action Settlement ("Settlement," "Agreement" or "Settlement Agreement"), which,
9 together with the exhibit annexed thereto, sets forth the terms and conditions for settlement and
10 dismissal of the Action;

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 the California Code of Civil
16 Procedure Section 382 and Rule 3.769 of the California Rules 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 of Pendency of Class Action Settlement Class Action Settlement
21 ("Class Notice") given to the Class Members fully and accurately informed the Class Members
22 of all material elements of the Settlement and of their opportunity to object to or comment
23 thereon or to seek exclusion from the Settlement; was the best notice practicable under the
24 circumstances; was valid, due, and sufficient notice to all Class Members; and complied fully
25 with the laws of the State of California, the United States Constitution, due process and other
26 applicable law. The Class Notice fairly and adequately described the Settlement and provided the
27 Class Members with adequate instructions and a variety of means to obtain additional
28 information.

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

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

21 6. It is hereby ordered that the Settlement Administrator, Simpluris, Inc., shall issue
22 payment to itself in the amount of \$5,830 for the services performed and costs incurred in
23 administration of the Settlement.

24 7. It is hereby ordered that the Settlement Administrator shall issue the Individual
25 Settlement Payment checks to all Participating Class Members according to the methodology and
26 terms set forth in the Settlement Agreement.

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1 8. The Court finds that the Class Representative Service Award sought is fair and
2 reasonable for the work performed by Plaintiff Robert Miranda on behalf of the Class. It is
3 hereby ordered that that the Settlement Administrator issue payment to Plaintiff Robert Miranda
4 in the amount of \$3,000 for his Class Representative Service Award.

5 9. The Court finds that Class Counsel's request for attorneys' fees in the amount of
6 \$58,333.33 falls within the range of reasonableness, and the results achieved justify the award
7 sought. The requested attorneys' fees are fair, reasonable, and appropriate, and are hereby
8 approved. It is hereby ordered that the Settlement Administrator issue payment of \$58,333.33 to
9 Lawyers *for* Justice, PC for attorneys' fees.

10 10. The Court finds that the litigation costs and expenses in the amount of \$10,615.95
11 incurred by Class Counsel in prosecuting this Action are reasonable, and the requested costs and
12 expenses are hereby approved. It is hereby ordered that the Settlement Administrator issue
13 payment of \$10,615.95 to Lawyers *for* Justice, PC for litigation costs and expenses.

14 11. With this final approval of the Settlement, the Court hereby enters judgment by
15 which Class Members who did not file a valid and timely Request for Exclusion ("Participating
16 Class Members") shall be conclusively determined to have given a release of, and permanently
17 enjoined and forever barred from asserting, any Released Claims against the Released Parties, as
18 set forth in the Settlement Agreement and Class Notice.

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

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13. Notice of entry of this Final Approval Order and Judgment shall be given to the Class Members by posting a copy of the Final Approval Order and Judgment on Simpluris, Inc.'s website.

WILLIAM F. HIGHBERGER, JUDGE

Dated: 11/2/16

HONORABLE WILLIAM F. HIGHBERGER
JUDGE OF THE SUPERIOR COURT