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F I L E D
Clerk of the Superior Court
SEP 02 2015
K. BRECKENRIDGE

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**
12

13 **KIMBERLY ROSKER**, individually, and on
14 behalf of other members of the general public
similarly situated, and on behalf of aggrieved
15 employees pursuant to the California Private
Attorneys General Act;

16 Plaintiff,

17 vs.

18 **LEIDOS, INC.**, an unknown business entity;
and **DOES 1 through 100**, inclusive,

19 Defendants.
20

Case No.: 37-2015-00005825-CU-OE-CTL

Honorable Timothy Taylor
Department 72

CLASS ACTION

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

Date: September 2, 2016
Time: 1:30 p.m.
Dept.: 72

Complaint Filed: February 20, 2015
Jury Trial: None Set

1 This matter has come before the Honorable Timothy Taylor in Department 72 of the
2 above-entitled Court, located at 330 West Broadway, San Diego, California 92101, on Plaintiff
3 Kimberly Rosker's ("Plaintiff") Motion for Final Approval of Class Action Settlement,
4 Attorneys' Fees, Costs, and Class Representative Enhancement Payment ("Motion for Final
5 Approval").

6 On April 15, 2016, the Court granted Plaintiff's Motion for Preliminary Approval of
7 Class Action Settlement, entering an Order Granting Preliminary Approval of Class Action
8 Settlement, and thereby preliminarily approving the settlement of the above-captioned Action in
9 accordance with the Class Action Settlement Agreement ("Settlement," "Agreement," or
10 "Settlement Agreement"), which, together with the exhibits annexed thereto, sets forth the terms
11 and conditions for settlement and dismissal of the Action;

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

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

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

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

21 3. The Notice given to the Class Members fully and accurately informed the Class
22 Members of all material elements of the Settlement and of their opportunity to object to or
23 comment thereon or to seek exclusion from the Settlement; was the best notice practicable under
24 the 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 Notice fairly and adequately described the Settlement and provided Class
27 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 to 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 arm's-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
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. Further, the Court has considered
11 the absence of objection to, or request for exclusion from, the Settlement by Class Members.
12 Accordingly, the Court hereby directs that the Settlement be affected in accordance with the
13 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 Class. Accordingly, the Court determines that all Class Members who did not timely and
18 properly execute an Opt-Out Form 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 \$10,000.00 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 Settlement
23 Payments to the Settlement Class Members according to the methodology and terms set forth in
24 the Settlement Agreement.

25 8. The Court finds that Class Representative Enhancement Payment sought is fair
26 and reasonable for the work performed by Plaintiff Kimberly Rosker on behalf of the Class. It is
27 hereby ordered that the Settlement Administrator issue the Class Representative Enhancement
28 Payment to Plaintiff Kimberly Rosker in the amount of \$5,000.00.

1 9. The Court finds that the \$5,500.00 allocated toward penalties under the California
2 Labor Code's Private Attorney General Act of 2004, as amended, California Labor Code
3 sections 2698 *et seq.* ("PAGA"), is fair, reasonable, and appropriate, and is hereby approved.
4 The Settlement Administrator shall issue the PAGA Payment in the amount of \$4,125.00 to the
5 California Labor and Workforce Development Agency, and shall distribute the remaining
6 penalties allocation in the amount of \$1,375.00 to the Settlement Class Members on a *pro rata*
7 basis according to the terms of the Settlement Agreement.

8 10. The Court finds that the request for Class Counsel Attorneys' Fees in the amount
9 of \$137,500.00 falls within the range of reasonableness, and the result achieved justifies the
10 award sought. The requested fees are fair, reasonable, and appropriate, and are hereby approved.
11 It is hereby ordered that the Settlement Administrator issue payment to Class Counsel in the total
12 amount of \$137,500.00 for Class Counsel Attorneys' Fees, as follows: payment to Lawyers *for*
13 Justice, PC in the amount of \$103,125.00 and payment to Girardi & Keese in the amount of
14 \$34,375.00.

15 11. The Court finds that the Litigation Costs and Expenses in the amount of
16 \$22,029.12 incurred by Class Counsel in prosecuting this class action are reasonable, and are
17 hereby approved. It is hereby ordered that the Settlement Administrator issue payment to Class
18 Counsel in the total amount of \$22,029.12 for reimbursement of Costs and Expenses, as follows:
19 payment to Lawyers *for* Justice, PC in the amount of \$13,251.25 and payment to Girardi &
20 Keese in the amount of \$8,777.87.

21 12. With this final approval of the Settlement, the Court hereby enters judgment by
22 which Settlement Class Members shall conclusively be deemed to have given a release, as set
23 forth in the Settlement Agreement and in the Class Notice, against the Releasees, as to the
24 Settlement Class Members' Released Claims. All such Settlement Class Members shall be
25 permanently enjoined and forever barred from asserting any of Settlement Class Members'
26 Released Claims against the Releasees, based on the facts alleged in the operative Complaint in
27 this Litigation, from February 20, 2011 through April 15, 2016, the date of entry of the Order
28 Granting Preliminary Approval of Class Action Settlement.

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

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

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10 Dated: SEP 02 2016

Timothy B. Taylor

HONORABLE TIMOTHY TAYLOR
JUDGE OF THE SUPERIOR COURT

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