

1 **LAW OFFICES OF STEPHEN GLICK**

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Facsimile: (213) 387-7872

5 Attorney for Plaintiff/Class Representative  
6 SALVADOR RODRIGUEZ and the CLASS  
7

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10  
11 SALVADOR RODRIGUEZ,

12 Plaintiff,

13 vs.

14 RWA TRUCKING COMPANY, INC., a  
15 California corporation; DOES 1 through 100,  
inclusive,

16 Defendants.  
17

Case No. BC182763

Assigned For All Purposes Judge:  
HON. EMILIE H. ELIAS

Dept. 324

**NOTICE OF RULING**

Filing Date: 12/12/1997

18  
19 **NOTICE IS HEREBY GIVEN** that the Court made the following orders: Attached  
20 hereto is a copy of the December 22, 2015 Order Granting Final Approval of Class Action  
21 Settlement and Award of Attorney Fees, Costs and Incentive Payments as Exhibit 1 and a copy of  
22 the December 22, 2015 Judgment re: Final Approval of Class Action Settlement and Award of  
23 Attorney Fees, Costs and Incentive Payments as Exhibit 2.

24 Dated: December 22, 2015

LAW OFFICES OF STEPHEN GLICK

25  
26 By: 

Stephen Glick  
Attorney for Plaintiff/Class  
Representative SALVADOR  
RODRIGUEZ and the CLASS

# **EXHIBIT 1**

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CONFIRMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

DEC 22 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Benigno Del Barrio, Deputy

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

SALVADOR RODRIGUEZ,  
  
Plaintiff,  
  
vs.  
  
RWA TRUCKING COMPANY, INC., a  
California corporation; DOES 1 through 100,  
inclusive,  
  
Defendants.

Case No. BC182763  
  
Assigned For All Purposes Judge:  
HON. EMILIE H. ELIAS  
  
Dept. 324  
  
**[PROPOSED] ORDER GRANTING  
FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND  
AWARD OF ATTORNEY FEES,  
COSTS AND INCENTIVE PAYMENTS**  
  
Date: December 14, 2015  
Time: 11:00 a.m.  
Dept: 324  
  
Filing Date: 12/12/1997

The Motion for Order Granting Final Approval of Class Action Settlement and Entry of Judgment by Plaintiff/Class Representative Salvador Rodriguez ("Plaintiff") came on for hearing before the Court on December 14, 2015, along with Plaintiff's Motion for Award of Attorney Fees, Costs and Incentive Payments. The Court, having considered the arguments and evidence presented, makes the following findings and order pursuant to Rule 3.769 of the California Rules of Court:

1           **FINDINGS OF THE COURT:**

2           A.     It appears to the Court that the *Settlement Agreement and Release* (“Settlement”)  
3 attached to the *Declaration Of Anthony Jenkins With Fully Executed Class Action Settlement*  
4 *Agreement And Release Of The Parties Attached, Filed In Support Of Notice Of Motion And*  
5 *Motion For Preliminary Approval*, filed on September 17, 2015, is fair, adequate and reasonable  
6 as to all class members.

7           B.     It further appears to the Court that sufficient investigation and research has been  
8 conducted such that counsel for the parties at this time have reasonably evaluated their respective  
9 positions, and that the Court has been provided with sufficient information about the nature and  
10 magnitude of the claims in question and a basis for concluding that the consideration being paid  
11 for the release of those claims represents a reasonable compromise.

12          C.     It further appears to the Court that final approval of the proposed settlement at this  
13 time will avoid substantial additional costs by all parties, as well as avoid the delay and risks that  
14 would be presented by the further prosecution of this action.

15          D.     It further appears that the Settlement has been reached as the result of intensive,  
16 serious and non-collusive, arm’s-length negotiations.

17          E.     The Court finds that the distribution of the *Notice of Pendency of Class Action,*  
18 *Proposed Settlement, and Hearing Date for Court Approval* (“Notice”) was substantially in the  
19 manner and form set forth in the Order Granting Preliminary Approval, to wit, via first-class  
20 United States mail to the last known address of the Class Members as such address is updated via  
21 the National Change of Address Database, and that this notice satisfies the requirements of due  
22 process, is the best notice practicable under the circumstances, and shall constitute due and  
23 sufficient notice to Class Members.

24          F.     The Court finds that the Notice informed Class Members of the final fairness  
25 hearing regarding the Settlement, which was held by the Court, as noticed, on December 22, 2015  
26 at 11:00 a.m. in Department in Department 324 of the above-entitled court located at 600 S.  
27 Commonwealth Ave., Los Angeles, CA 90005.

28          G.     The Court finds that there are no objectors to the Settlement.

1 H. The Court finds that the City of Hope is a nonprofit organization that may receive  
2 the residue (unclaimed funds) under the Settlement to support projects that will benefit the class  
3 or similarly situated persons, or that promote the law consistent with the objectives and purposes  
4 of the underlying cause of action, in accordance with Section 384 of the Code of Civil Procedure.

5 I. Accordingly, the Court finds that good cause appears for granting the relief sought;  
6 therefore,

7 **IT IS ORDERED THAT:**

8 (1) Final approval of the Settlement is Granted.

9 (2) The Court adopts the terms and conditions of the Settlement which are  
10 incorporated fully herein by reference here, as modified by the Order Granting Preliminary  
11 Approval, as the final order of the Court, having found the settlement is fair, reasonable and  
12 adequate to the Class, and that notice to the Class complied with the terms of the Settlement and  
13 constituted valid notice to the Class and satisfied due process.

14 (3) The settlement class is defined as the 177 truck drivers who are identified by name  
15 on the class list attached to the Stipulation of Agreed Upon Facts Set 3 filed on September 20,  
16 2011 ("Class").

17 (4) Within 10 days of the Effective Date defined in the Settlement, Class Counsel  
18 Stephen Glick and Defense Counsel Miles Kavaller shall authorize the \$500,000.00 Settlement  
19 amount currently on deposit in joint-accounts with their names, to be distributed as follows:

20 (a) Net Settlement Amount of \$251,500.00 transferred to the Administrator to  
21 be distributed to the Class members in accordance with the terms of the Settlement;

22 (b) Attorney's fees in the amount of \$200,000.00 and costs in the amount of  
23 <sup>127,528.81</sup> \$12,072.81 paid to Class Counsel Stephen Glick, made payable to "Kumetz & Glick," Federal  
24 Taxpayer ID # 95-3906108;

25 (c) An incentive payment in the amount of \$25,000.00 paid to Salvador  
26 Rodriguez and \$2,500.00 paid to Francisco Javier Silva;

27 (d) Administration costs in the amount of \$7,887.50 paid to the Administrator.

28 (5) All Class Members are bound by the Settlement and release thereby.

1 (6) Included with the settlement payment check sent to each Class member will be a  
2 notice that the final judgment will be posted on the administrator's website in English and  
3 Spanish.

4 (7) Class Counsel shall file a report not later than June 20, 2016 with a declaration  
5 from the Administrator that reports to the Court the total amount that was actually paid to the  
6 Class and the amount of the unpaid residue. After the report is received, the Court shall amend the  
7 Judgment to direct the Administrator to pay the sum of the unpaid residue, plus interest on that  
8 sum at the legal rate of interest from the date of entry of the initial judgment, to City of Hope, c/o  
9 Mary Koenig, 4910 Rivergrade Road, Irwindale, CA 91706; the residue, if any, of the \$1,039.69  
10 amount reserved for remaining and/or unforeseen costs shall also be paid to City of Hope. The  
11 report shall also inform the Court of any residue from the cost award to Class Counsel, which  
12 shall also be paid to City of Hope.

13 (8) Judgment Re: Final Approval of Settlement ("Judgment") shall be entered  
14 forthwith according to the terms of this Order, which shall include a provision for the retention of  
15 the Court's jurisdiction over the parties to enforce the terms of the Judgment.

16 **SO ORDERED.**

17 DATED:

18 ~~EMILIE H. ELIAS~~  
19 ~~JUDGE~~

20  
21 (7)(a) For ANY CLASS MEMBER WHO DOES  
22 NOT PROVIDE A SS.# FOR WHOM THE ADMIN-  
23 STRATOR WITHHELD MONEY AND PAID THAT  
24 AMOUNT TO THE IRS, THE ADMINISTRATOR'S  
25 REPORT SHALL ALSO INCLUDE THAT INFORMATION  
26  
27  
28

12/22/15

*Emilie H. Elias*

EMILIE H. ELIAS

1 **PROOF OF SERVICE**

2 CCP §1013(a)

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 1. I am employed in the County of Los Angeles, State of California. I am over the age of 18  
5 and not a party to the within action; my business address is 1055 Wilshire Boulevard, Suite 1480,  
6 Los Angeles, California 90017.

7 2. I am "readily familiar" with the firm's practice of collection and processing  
8 correspondence for mailing. Under that practice, it would be deposited with the U.S. postal  
9 service on that same day with postage thereon fully prepaid at Los Angeles, California in the  
10 ordinary course of business. I am aware that on motion of the party served, service is presumed  
11 invalid if postal cancellation date or postage meter date is more than one day after date of deposit  
12 for mailing in affidavit.

13 3. On December 21, 2015, I served copies of the following documents:

14 **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION**  
15 **SETTLEMENT AND AWARD OF ATTORNEY FEES, COSTS AND INCENTIVE**  
16 **PAYMENTS**

17 Donald J. Sands  
18 Arun Dayalan  
19 COX WOOTTON LERNER  
20 GRIFFIN & HANSEN, LLP  
21 12400 Wilshire Blvd., Suite 1300  
22 Los Angeles, CA 90025  
23 Fax (310) 979-9244

Miles L. Kavaller  
LAW OFFICES OF MILES L. KAVALLER  
6355 Topanga Canyon Blvd., Suite 518  
Woodland Hills, CA 91367  
Fax (818) 474-7180

24 Paul J. Carter  
25 BERGKVIST BERGKVIST & CARTER  
26 400 Oceangate, Suite 800  
27 Long Beach, CA 90802  
28 Fax (562) 495-4255

Nancy Rader Whitehead  
Scott & Whitehead  
1301 Dove Street, Suite 1000  
Newport Beach, CA 92660  
Fax: (949) 222-0113

Joseph N. Mirkovich  
Margaret E. Morrow  
Anne M. Grignon  
RUSSELL MIRKOVICH & MORROW  
One World Trade Center, Suite 1660  
Long Beach, CA 90831-1660  
Fax (562) 436-1897

Kathleen C. Jeffries  
Christopher C. McNatt, Jr.  
SCOPELITIS GARVIN LIGHT & HANSON  
PC  
2 North Lake Avenue, Suite 460  
Pasadena, CA 91101  
Fax (626) 795-4790

1 John A. Marshall  
2 Michael Attar  
3 GOSHGARIAN & MARSHALL  
4 23901 Calabasas Road, Suite 2073  
5 Calabasas, CA 91302-1542  
6 Fax (818) 591-0810

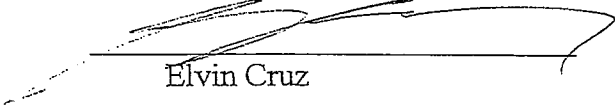
Wendy Lascher  
Lascher & Lascher  
605 Poli St.  
PO Box 25540  
Ventura, CA 93002

5 Greg Steffire, Esq.  
6 8600 Banana Avenue  
7 Fontana, CA 92335  
8 Fax (909) 822-3141

8 4.

- 9 a.  **(BY UNITED STATES MAIL)** I enclosed the documents in a sealed  
10 envelope with postage thereon fully prepaid to be placed in the United States  
11 mail at Los Angeles, California addressed to the persons at the address listed  
12 in item 3.
- 12 b.  **(BY FACSIMILE)** I transmitted an accurate copy via facsimile machine to  
13 the person(s) listed in item 3 at the following telephone number:
- 14 c.  **(BY PERSONAL SERVICE)** I caused such document to be delivered by  
15 hand to the address listed in item 3.
- 16 d.  **(BY EMAIL)** I caused such document to be delivered by using  
17 Lexis Nexis File & Serve

18  
19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct. Executed on December 21, 2015 at Los Angeles, California.

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24 Elvin Cruz  
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**EXHIBIT 2**

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CONFIDENTIAL COPY  
ON FILE  
Superior Court of California  
County of Los Angeles

DEC 22 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Benigno Del Barrio, Deputy

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

SALVADOR RODRIGUEZ,  
  
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vs.  
  
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inclusive,  
  
Defendants.

Case No. BC182763  
  
Assigned For All Purposes Judge:  
HON. EMILIE H. ELIAS  
  
Dept. 324  
  
~~PROPOSED~~ JUDGEMENT RE:  
FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND  
AWARD OF ATTORNEY FEES,  
COSTS AND INCENTIVE PAYMENTS  
  
Date: December 14, 2015  
Time: 11:00 a.m.  
Dept: 324  
  
Filing Date: 12/12/1997

Pursuant to the Court's Order Granting Final Approval, the Court hereby enters Judgment  
Re: Final Approval of Class Action Settlement and Award of Attorney Fees, Costs and Incentive  
Payments, as follows:

- (1) Final approval of the Settlement is Granted.
- (2) The Court adopts the terms and conditions of the Settlement which are  
incorporated fully herein by reference here, as modified by the Order Granting Preliminary

1 Approval, as the final order of the Court, having found the settlement is fair, reasonable and  
2 adequate to the Class, and that notice to the Class complied with the terms of the Settlement and  
3 constituted valid notice to the Class and satisfied due process.

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6 amount currently on deposit in joint-accounts with their names, to be distributed as follows:

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25 amount reserved for remaining and/or unforeseen costs shall also be paid to City of Hope. The  
26 report shall also inform the Court of any residue from the cost award to Class Counsel, which  
27 shall also be paid to City of Hope.

28 ~~11~~ (b)

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(7) The Court shall retain jurisdiction over the parties to enforce the terms of this Judgment.

**SO ADJUDGED AND DECREED.**

DATED:

EMILIE H. ELIAS  
JUDGE



(g)(b) FOR ANY CLASS MEMBER  
WHO DOES NOT PROVIDE A  
SS.# FOR WHOM THE  
ADMINISTRATOR WITHHELD MONEY  
AND PAID THAT AMOUNT TO THE  
IRS THE ADMINISTRATOR'S REPORT  
SHALL ALSO INCLUDE THAT INFORMATION.

12/22/15

Emilie H. Elias



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Michael Attar  
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3 Calabasas, CA 91302-1542  
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18 d.  **(BY EMAIL)** I caused such document to be delivered by using  
19 Lexis Nexis File & Serve

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed on December 21, 2015 at Los Angeles, California.

22  
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24 Elvin Cruz  
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1 **PROOF OF SERVICE**

2 CCP §1013(a)

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8 correspondence for mailing. Under that practice, it would be deposited with the U.S. postal  
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13 3. On December 22, 2015, I served copies of the following documents:

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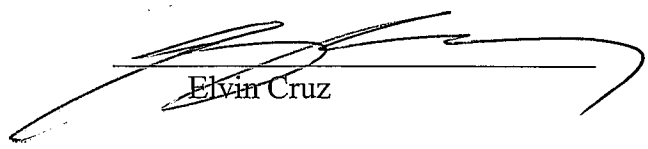
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Greg Steffire, Esq.  
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Fax (909) 822-3141

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  - c.  **(BY PERSONAL SERVICE)** I caused such document to be delivered by hand to the address listed in item 3.
  - d.  **(BY EMAIL)** I caused such document to be delivered by using Lexis Nexis File & Serve

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 22, 2015 at Los Angeles, California.

  
Elvin Cruz