

FILED/ENDORSED

NOV 16 2016

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

EVELYN ANTOINE, individually, and on behalf of other members of the general public similarly situated; CINDY GARCIA-HERMAN, individually, and on behalf of other members of the general public similarly situated; ELBERN GENTRY, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; ANGELA DEFOE, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; KAYLA KNIGHT, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; FRANK QUIROGA, individually and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;

Plaintiffs,

v.

RIVERSTONE RESIDENTIAL CA, INC., a Delaware corporation d/b/a/ RIVERSTONE RESIDENTIAL GROUP; RIVERSTONE OPERATING COMPANY, INC., a Delaware corporation; GREYSTAR CALIFORNIA, INC., an unknown business entity; GREYSTAR HOLDINGS, INC., an unknown business entity; GREYSTAR REAL ESTATE PARTNERS, LLC, an unknown business entity; GREYSTAR MANAGEMENT SERVICES, LP, an unknown business entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 34-2013-00155974

Honorable Alan G. Perkins
Department 35

~~PROPOSED~~ FINAL APPROVAL ORDER AND JUDGMENT

[Notice of Motion and Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Awards; Plaintiffs' Response to Objection of Nelly D to Proposed Settlement; Request for Judicial Notice in Support of Plaintiffs' Response to Objection of Nelly D. Casafranca to Proposed Settlement; Declarations of Plaintiffs' Counsel (Alexander R. Wheeler, Douglas Han, and Kashif Haque); Declarations of Proposed Class Representatives (Evelyn Antoine, Cindy Garcia-Herman, Elbern Gentry, Angela Defoe, Kayla Knight, and Frank Quiroga); and [Proposed] Final Approval Order and Judgment filed concurrently herewith]

Date: October 20, 2016
Time: 1:30 p.m.
Department: 35

BY FAX

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1 This matter has come before the Honorable Alan G. Perkins in Department 35 of the
2 above-entitled Court, located at 720 9th Street, Sacramento, California 95814, on Plaintiffs
3 Evelyn Antoine, Cindy Garcia-Herman, Elbern Gentry, Angela Defoe, Kayla Knight, and Frank
4 Quiroga's ("Plaintiffs") Motion for Final Approval of Class Action Settlement, Attorneys' Fees,
5 Costs, and Service Awards ("Motion for Final Approval").

6 On May 19, 2016, the Court granted Plaintiffs' Motion for Preliminary Approval of Class
7 Action Settlement, entering an Order Granting Preliminary Approval of Class Action Settlement,
8 and thereby preliminarily approving the settlement of the above-captioned Action in accordance
9 with the Stipulation and Settlement of Class Action 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 Objection of Nelly D. Casafranca to Proposed Settlement and Notice of
22 Intent to Appear at Final Fairness Hearing is overruled and denied in its entirety.

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

3 5. Pursuant to California law, the Court hereby grants final approval to the
4 Settlement and finds it reasonable and adequate, and in the best interests of the Class as a whole.
5 More specifically, the Court finds that the Settlement was reached following meaningful
6 discovery and investigation conducted by Class Counsel; that the Settlement is the result of
7 serious, informed, adversarial, and arm's-length negotiations between the Parties; and that the
8 terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court
9 has considered all of the evidence presented, including evidence regarding the strength of
10 Plaintiffs' cases; the risks, expenses, and complexity of the claims presented; the likely duration
11 of further litigation; the amount offered in the Settlement; the extent of investigation and
12 discovery completed; and the experience and views of Class Counsel. Further, the Court has
13 considered the small numbers of objection to, and requests for exclusion from, the Settlement by
14 Class Members. Accordingly, the Court hereby directs that the Settlement be affected in
15 accordance with the Settlement Agreement and the following terms and conditions.

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

22 7. It is hereby ordered that the Claims Administrator, Simpluris, Inc., shall issue
23 payment to itself in the amount of \$19,900 for the services performed and costs incurred in
24 administration of the Settlement, in accordance with the Settlement Agreement.

25 8. It is hereby ordered that the Claims Administrator shall issue the Individual
26 Settlement Payments to the Participating Settlement Class Members according to the
27 methodology and terms set forth in the Settlement Agreement.

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1 9. The Court finds that Class Representative Service Awards sought are fair and
2 reasonable for the work performed by Plaintiffs on behalf of the Class. It is hereby ordered that
3 the Claims Administrator issue the Class Representative Service Award in the amount of
4 \$10,000 each to Evelyn Antoine, Cindy Garcia-Herman, Elbern Gentry, Angela Defoe, Kayla
5 Knight, and Frank Quiroga.

6 10. The Court finds that the allocation of the amount of \$20,000 toward penalties
7 under the California Labor Code's Private Attorney General Act of 2004, as amended, California
8 Labor Code sections 2698 *et seq.* ("PAGA"), is fair, reasonable, and appropriate, and is hereby
9 approved. The Claims Administrator shall issue the PAGA Payment in the amount of \$15,000 to
10 the California Labor and Workforce Development Agency, and shall distribute the remaining
11 penalties allocation in the amount of \$5,000 to the Participating Settlement Class Members on a
12 *pro rata* basis according to the terms of the Settlement Agreement.

13 11. The Court finds that the request for Class Counsel's attorneys' fees in the amount
14 of \$1,110,200 falls within the range of reasonableness, and the result achieved justifies the award
15 sought. The requested fees are fair, reasonable, and appropriate, and are hereby approved. It is
16 hereby ordered that the Claims Administrator issue payment to Class Counsel in the total amount
17 of \$1,110,200 for attorneys' fees, as follows: payment to Lawyers *for* Justice, PC in the amount
18 of \$515,089.40, payment to the R. Rex Parris Law Firm in the amount of \$205,604, payment to
19 the Justice Law Corporation in the amount of \$245,180.60, and payment to the Aegis Law Firm
20 in the amount of \$144,326.

21 12. The Court finds that the request for combined attorneys' costs and expenses in the
22 amount of \$50,000 are reasonable, and are hereby approved. It is hereby ordered that the Claims
23 Administrator issue payment in the total amount of \$50,000 for reimbursement of combined
24 attorneys' costs and expenses, as follows: payment to Lawyers *for* Justice, PC in the amount of
25 \$30,708.57, payment to the R. Rex Parris Law Firm in the amount of \$11,824.58, payment to the
26 Justice Law Corporation in the amount of \$4,178.19, and payment to the Aegis Law Firm in the
27 amount of \$3,288.66.

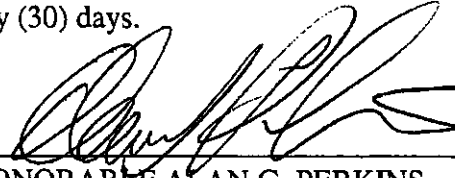
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1 13. With this final approval of the Settlement, the Court hereby enters judgment by
2 which, as of the Effective Date, all Class Members who have not timely submitted a valid
3 Request for Exclusion shall, as set forth in the Settlement Agreement and in the Class Notice, be
4 deemed to have fully and finally released and discharged the Released Parties from any and all of
5 those Class Members' Class Released Claims. All such Class Members shall be permanently
6 enjoined and forever barred from suing for or otherwise making a claim against any of the
7 Released Parties for the Class Released Claims. In addition, each of the Named Plaintiffs, in
8 their individual capacities, shall be deemed to have fully and finally released and discharged the
9 Released Parties from any and all of their Named Plaintiffs' Released Claims.

10 14. After entry of this Final Approval Order and Judgment, pursuant to California
11 Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret,
12 implement, and enforce the terms of the Settlement, supervise and adjudicate settlement
13 administration matters, and adjudicate such post-Final Judgment matters as may be appropriate
14 under court rules or as set forth in the Settlement Agreement.

15 15. Notice of entry of this Final Approval Order and Judgment shall be given to Class
16 Members by posting a copy of the Final Approval Order and Judgment on Simpluris, Inc.'s
17 website for no less than a period of thirty (30) days.

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19 Dated: November 16, 2014


HONORABLE ALAN G. PERKINS
JUDGE OF THE SUPERIOR COURT



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