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8 Attorneys for Representative Plaintiff
9 JOSEPH A. DAQUINO

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE – COMPLEX DIVISION**

12 JOSEPH A. DAQUINO, individually and on
13 behalf of all similarly situated aggrieved
14 employees,

15 Plaintiff,

16 v.

17 STONEGATE MORTGAGE
18 CORPORATION, an Ohio corporation;
19 CROSSLINE CAPITAL, INC., a California
20 corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.

CASE NO. 30-2016-00832495-CU-OE-CXC

**NOTICE OF ENTRY OF ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hon. Randall J. Sherman

23 PLEASE TAKE NOTICE that the Order Granting Final Approval of Class Action Settlement was
24 entered on February 8, 2019. See signed Order attached as Exhibit “A”.

25 Dated: February 8, 2019

/s/ Jason E. Baker

26 Jason E. Baker, Esq.
27 Holly M. Carnes, Esq.
28 Attorneys for Representative Plaintiff
JOSEPH A. DAQUINO

EXHIBIT A

1 Jason E. Baker, Esq. (SBN 197666)
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12 **JOSEPH A. DAQUINO**, individually and on
13 behalf of all similarly situated aggrieved
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18 **CORPORATION**, an Ohio corporation;
19 **CROSSLINE CAPITAL, INC.**, a California
20 corporation; and **DOES 1 through 50**,
21 inclusive,

22 Defendants.

CASE NO. 30-2016-00832495-CU-OE-CXC

ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: February 8, 2019
Time: 10:00 a.m.
Dept: CX105

Hon. Randall J. Sherman

23 This matter came for hearing on February 8, 2019 at 10:00 a.m. in Department CX-105 of the
24 above-captioned court on Plaintiff’s Motion for Final Approval of Class Action Settlement, upon the
25 terms and conditions set forth in the Joint Stipulation of Settlement and Release to Settle Class Action,
26 as amended by the First Amendment to Joint Stipulation of Class Action Settlement (collectively the
27 “Settlement Agreement” or “Settlement”) between Plaintiff **JOSEPH A. DAQUINO** (“Plaintiff”) and
28 Defendants **STONEGATE MORTGAGE CORPORATION** (“Stonegate”) and **CROSSLINE CAPITAL,**
INC. (“Crossline”) (collectively referred to as the “Defendants”).

On October 12, 2018, the Court granted Plaintiff’s Motion for Preliminary Approval of Class
Action Settlement and thereby preliminarily approved the Settlement.

1 The Court, having fully reviewed the Motion for Final Approval, the Memorandum of Points
2 and Authorities and Declarations and Exhibits filed in support thereof, the Settlement Agreement, the
3 Class Notice, and in recognition of the Court’s duty to make a final determination as to the good faith,
4 fairness, adequacy and reasonableness of any proposed class action settlement and to ensure proper
5 notice was provided to the Class Members in accordance with due process requirements, the Court
6 **HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:**¹

7 1. This Court has jurisdiction over the claims of the Settlement Class asserted in this
8 proceeding and to be released by the Settlement Agreement.

9 2. For the reasons set forth in the Order Granting Preliminary Approval of Class Action
10 Settlement issued October 12, 2018, which is adopted and incorporated herein by
11 reference, this Court finds that the applicable requirements of California Rules of Court,
12 Rules 3.766 and 3.769, and Section 382 of the California Code of Civil Procedure have
13 been satisfied with respect to the Settlement Class and the Settlement. The Court hereby
14 makes final its earlier provisional certification of the Settlement Class, as set forth in the
15 Order Granting Preliminary Approval of Class Action Settlement.

16 3. The Court finds the following class has been certified and is subject to the Settlement:

17 **All persons employed in the State of California by either Stonegate and/or Crossline**
18 **as a non-exempt Inside Loan Agent, Mortgage Advisor, and/or Mortgage Loan**
19 **Officer at any time between January 28, 2012 through May 31, 2017 (the “Class**
20 **Period”).**

21 The Settlement Class excludes (i) any person who previously entered into a release
22 agreement with Defendants with respect to any wage and hour claim during the Class
23 Period; and (ii) any workweeks in which any Class Member was employed by Home
24 Point Financial Corporation, the successor-in-interest to Defendant Stonegate Mortgage
25 Corporation.

26 4. It appears to the Court that the Gross Settlement Fund (\$1,705,218.00) is fair, adequate
27 and reasonable to the Settlement Class when balanced against the probable outcome of
28

¹ Capitalized terms used but not defined herein shall have the same meanings as those set forth in the Settlement Agreement.

1 further litigation relating to maintaining class certification, liability and damages issues
2 and potential appeals. It further appears that significant investigation, research and
3 litigation has been conducted such that counsel for the Parties at this time are able to
4 reasonably evaluate their respective positions. It further appears that the proposed
5 Settlement has been reached as a result of the intensive, serious and non-collusive
6 negotiations between the Parties.

7 5. The Class Notice fully and accurately informed the Settlement Class of all material
8 elements of the Settlement including that the amounts to be paid to Class Members were
9 based on estimates that may change before final distribution. The Class Notice
10 accurately informed the Settlement Class of their opportunity to object or comment
11 thereon; was the best notice practicable under the circumstances; was valid, due and
12 sufficient notice to all Settlement Class Members; and fully complied with the laws of
13 the State of California, due process and other applicable law. The Class Notice fairly
14 and adequately described the Settlement and provided Settlement Class Members
15 adequate instructions and means to obtain additional information. A full opportunity has
16 been afforded to the Settlement Class Members to participate in the hearing, and all
17 Settlement Class Members and other persons wishing to be heard have been heard.
18 Further, the Court has considered the absence of any request for exclusion or objection
19 to the Settlement by the Class Members.

20 6. Final approval of the Settlement is GRANTED. Accordingly, all Settlement Class
21 Members are bound by this Order and the ensuing Judgment.

22 7. Within the time frames provided by the Settlement Agreement, the Settlement
23 Administrator shall make all payments and distributions as required by the Settlement
24 Agreement, as modified by this Order.

25 8. Plaintiff shall receive an Enhancement Award to be paid by the Settlement
26 Administrator from the Gross Settlement Fund for the work performed as class
27 representative in the amount of \$10,000.00.

- 1 9. The Court finds that \$34,000.00 from the Gross Settlement Fund to be allocated to
2 resolve PAGA claims is fair, reasonable and appropriate. The Court also finds that
3 under Labor Code §2699(i), \$25,500.00 shall be paid to the California Labor &
4 Workforce Development Agency by the Settlement Administrator and that the
5 remaining amount of \$8,500.00 shall be paid to the Settlement Class as part of the Net
6 Settlement Amount to all Settlement Class Members according to the methodology and
7 terms set forth in the Settlement Agreement.
- 8 10. The Court approves reimbursement of litigation costs of \$23,392.33 to Keegan & Baker,
9 LLP to be paid by the Settlement Administrator from the Gross Settlement Fund.
- 10 11. The Court approves the Settlement Administrator's costs and fees in the amount of
11 \$5,218.00 to be paid from the Gross Settlement Fund.
- 12 12. The Court approves Class Counsel's request for attorneys' fees of \$566,610.00 to be
13 paid from the Gross Settlement Fund. The amount of fees is hereby granted pursuant to
14 California law because, *inter alia*, it falls within the range of reasonableness, the result
15 achieved justifies the award and the hourly rates sought by Class Counsel are reasonable
16 and fair, and thereby approved. As a cross check to the lodestar method, an approximate
17 1.37 multiplier is reasonable and appropriate.
- 18 13. There were no objections filed to the Settlement and no requests for exclusion submitted
19 by the Class Members.
- 20 14. The Settlement Administrator shall issue the Individual Settlement Payments to all
21 Settlement Class Members according to the methodology and terms set forth in the
22 Settlement Agreement.
- 23 15. To the extent that an Individual Settlement Payment check is (1) undeliverable, or (2)
24 uncashed 180 days after the date listed on the check and the State of California
25 Department of Industrial Relations is no longer accepting deposits of such unclaimed
26 funds into the State of California Department of Industrial Relations' Unpaid Wage
27 Fund, then such unclaimed funds shall be transmitted to the State Bar of California
28 Legal Services Trust Fund Program for the benefit of the Justice Gap Fund.

- 1 16. Without affecting the finality of this matter, pursuant to California Rules of Court, Rule
2 3.769(h), this Court shall retain exclusive and continuing jurisdiction over this action
3 and the Parties, including all Settlement Class members, for purposes of supervising,
4 administering, implementing, enforcing and interpreting the Settlement and the
5 distribution process hereunder and to resolve any contested challenge to a claim for
6 settlement benefits, and to supervise and adjudicate any dispute arising from or in
7 connection with the distribution of settlement benefits.
- 8 17. Pursuant to California Rules of Court, Rule 3.771(b), the Settlement Administrator shall
9 cause the Notice of Entry of Judgment and Final Approval Order to be mailed to the
10 Settlement Class in accordance with the Settlement Agreement.
- 11 18. There being no just reason to delay, the Clerk is directed to enter this Order and Final
12 Judgment forthwith.
- 13 19. Class Counsel is ordered to file a declaration within 240 days detailing compliance with
14 this Order, including identifying any unclaimed funds that were transmitted to the State
15 of California Department of Industrial Relations' Unpaid Wage Fund or alternatively,
16 the State Bar of California Legal Services Trust Fund Program for the benefit of the
17 Justice Gap Fund.

18 IT IS SO ORDERED.

19
20 **Date Judge Signed: February 8, 2019**



21
22 _____
23 Honorable Randall J. Sherman
24 Judge of the Superior Court
25
26
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