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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 VICKY MALDONADO, et al.,

8 Plaintiffs,

9 v.

10 APPLE, INC, et al.,

11 Defendants.

Case No. [3:16-cv-04067-WHO](#)

**ORDER GRANTING FINAL
APPROVAL OF SETTLEMENT;
AWARDING ATTORNEY'S FEES,
COSTS, AND SERVICE AWARDS**

Re: Dkt. Nos. 332, 335

12
13 This matter comes before the Court to determine whether to approve Plaintiffs Vicky
14 Maldonado and Justin Carter's settlement with Defendants Apple Inc., AppleCare Service
15 Company, Inc., and Apple CSC, Inc. and Plaintiffs' Plan of Allocation. The Court, having
16 reviewed Plaintiffs' Motion for Final Approval of Settlement ("Motion"), Plaintiffs' Motion for
17 Attorneys' Fees, Costs, and Class Representative Incentive Awards, the Settlement Agreement,
18 the pleadings and other papers on file in this action, and the statements of counsel and the parties,
19 including at the Fairness Hearing, hereby finds that the Settlement and Plan of Allocation should
20 be approved. Accordingly, the Court enters this Order of Final Approval.

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

22 1. The Court has jurisdiction over the subject matter of this litigation, and all actions
23 within this litigation (collectively, the "Action") and over the parties to the Settlement Agreement,
24 including all members of the Certified Class and Defendants.

25 2. For purposes of this Order, except as otherwise set forth herein, the Court
26 incorporates the definitions contained in the Settlement Agreement. Berman Final App. Decl., Ex.
27 A, Settlement Agreement (ECF No. 321-1). The Court hereby finally approves and confirms the
28 settlement set forth in the Settlement Agreement, and finds that said settlement is fair, reasonable,

1 and adequate to the Settlement Class under Rule 23 of the Federal Rules of Civil Procedure.

2 3. The following “Certified Class” was previously certified pursuant to Rule 23 of the
3 Federal Rules of Civil Procedure:

4 All individuals who purchased AppleCare or AppleCare+, either directly or through the
5 iPhone Upgrade Program, on or after July 20, 2012, and received a remanufactured
6 replacement Device.

7 4. The Class period cutoff date is September 30, 2021.

8 5. Pursuant to Federal Rule of Civil Procedure 23(g), the Court previously appointed
9 Hagens Berman Sobol Shapiro, LLP as Class Counsel, and the named Plaintiffs, Vicky
10 Maldonado and Justin Carter, as the Class Representatives on behalf of the Certified Class.

11 6. Plaintiffs’ notice of the Class Settlement to the Certified Class was the best notice
12 practicable under the circumstances. The notice satisfied due process and provided adequate
13 information to the Certified Class of all matters relating to the Class Settlement, and fully satisfied
14 the requirements of Federal Rules of Civil Procedure 23(c)(2) and (e)(1).

15 7. 153 members of the Certified Class timely and validly requested exclusion from the
16 Certified Class, and are excluded from those Certified Class identified. These persons are reflected
17 in the attached Exhibit A to this order. Such persons are not included in or bound by this Order as
18 it relates to the specific settlement for which they opted-out. Such persons are not entitled to any
19 recovery of the settlement proceeds obtained through the Class Settlement.

20 8. No valid objections were filed regarding the Class Settlement.

21 9. The Court finds that Plaintiffs’ proposed Plan of Allocation, proposing to pay
22 Settlement Class members an equal amount per remanufactured replacement device they received,
23 is fair, reasonable, and adequate. *Noll v. eBay, Inc.*, 309 F.R.D. 593, 601, 607 (N.D. Cal. 2015).
24 The Plan of Allocation does not unfairly favor any Class member, or group of Class members, to
25 the detriment of others.

26 10. The Court awards to Class Counsel:

27 a. Costs in the amount of \$1,397,165.53; and

28 b. Attorneys’ Fees in the amount of \$26,876,027.50.

United States District Court
Northern District of California

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11. The Court awards to Class Representatives:

- a. An incentive award to Vicky Maldonado in the amount of \$15,000; and
- b. An incentive award to Justin Carter in the amount of \$12,500.

12. Without affecting the finality of this Order in any way, this Court hereby retains continuing jurisdiction over:

- a. implementation of this settlement and any distribution to members of the Class pursuant to further orders of this Court;
- b. disposition of the Settlement Fund;
- c. determining attorneys' fees, costs, expenses, and interest;
- d. the Action until Final Judgment contemplated hereby has become effective and each and every act agreed to be performed by the parties all have been performed pursuant to the Settlement Agreement;
- e. hearing and ruling on any matters relating to the plan of allocation of settlement proceeds; and
- f. all parties to the Action and Releasing Parties, for the purpose of enforcing and administering the Settlement Agreement and the mutual releases and other documents contemplated by, or executed in connection with the Agreement.

13. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil Procedure, that Final Judgment of Dismissal with prejudice as to the Defendants ("Judgment") should be entered forthwith and further finds that there is no just reason for delay in the entry of the Judgment, as Final Judgment, in accordance with the Settlement Agreement.

IT IS SO ORDERED.

Dated: April 29, 2022

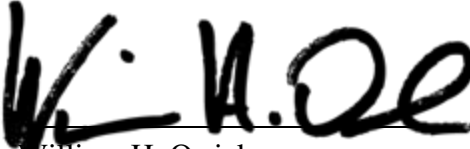

William H. Orrick
United States District Judge

EXHIBIT A



Opt Out Count	First Name	Middle Name	Last Name	Business Name	Representative Name
1	Joseph		Floro		
2	Matt		Marks		
3	Celeste		Marks		
4	Corinne		Satterfield		
5	Robert	L	Evola		
6	Richard		Kirk		
7	Khine		Williams		
8	Nicholas		Sivo		
9	Edward		Cho		
10	Nv		Ga		
11	Sharon	A	Stubblebine		
12	Rebecca	H	Watkins Colantonio		
13	Joanne		Angel		
14	Colin		Black		
15	Brett		Parker		
16	Robert		Horen		
17	Besnik		Gjoka		
18	Ivalina		Chervenkova		
19	Joel	S	Elson		
20	Patricia	A	Macha		
21	Linda		Mitchell		
22	Milton	A	Carlson		
23	Nathan	W	Grubb		
24	Elizabeth		Guerra		
25	John		Queeney		
26	Erik	T	Potter		
27	Susan	J	Mardos		
28	Liz		Rab		
29	Gilbert		Peck		
30	Joan	M	Eident		
31	James	H	Thessin		
32				Nevada Trucking Association	Paul J. Enos
33	Darius		Gilder		
34	Viktor		Hristov		
35	Amanda	M	Bowers		
36	John	C	Taylor		
37	Vlad		Karpinsky		
38	Brenden		Konnagan		
39	Zoe	M	de Lellis		
40	Eduardo		Cisneros		
41	Daniel	j	Kocher		
42	Cuauhtemoc		Hernandez		
43	Carl	A	McKinney		
44	Tracey		McCarter		
45	Henry		Hu		



46	Carl	L	Zimmerman		
47	Stavros		Filargyropoulos		
48	Garrett		Prehatney		
49	Shlomo		Rosenberg		
50	Jordan		McShane		
51	Bruno		Pinotti		
52	Derek		Stutsman		
53	Ed	A	Alexander		
54	Joe		Fritts		
55	Gary	H	Hsueh		
56	Brian		Goodman		
57	Shira		Goodman		
58	Erik		Brown		
59	Damian		Raszewski		
60	Jeremy		Abbott		
61	Jared		Ewing		
62	john	S	Buckley		
63	Victoria		Raschke		
64	steve		peskin		
65	Janet		Brandt		
66	James	V	Williams		
67	Mark	E	Huber		
68	Leslie	Q	Brown		
69	Paul	C	Hixson		
70	Lisa	K	Timm		
71	Kelly	M	Dakin		
72	Gary	B	Strong		
73	Kyros		Porres		
74	Arthur		Prelle		
75	George		Cheuk		
76	Jason	R	Schneider		
77	Xavier		Quinones		
78	Peaches		Hood		
79	Josiah		Lewis		
80	David		DeLaune		
81	Ivette		Perez		
82	Samuel	E	Davies		
83	Whitney		Westerfield		
84	Josselin		Guichard		
85	Martin		Kuffel		
86	Denecia		Watkins		
87	Jason	P	Lecht		
88	Nelly	R	Unger		
89	Andrew		Liu		
90	Aykut		Zidanoglu		
91	Lief		Fox		
92	Christopher		Book		
93	Erik		Allen		

94	Russ		Hatcher		
95	Ed		Kozerka		
96	Dustin		Reischman		
97	Andrew		Law		
98	Abhishek		Bachhan		
99	Alan	R	Schwartz		
100	Timothy	C	Tyson		
101	Ryan		Stavely		
102	David		Hull		
103	Lucien		Dupont		
104	Troy		Gaul		
105	Sachin		Prakash		
106	Sebastian		Lofaro		
107	Jungwan		Uhm		
108				Cavell Inc	John White
109	Shawn		Takatsu		
110	Andrew	N	Feaster		
111	Paola	L	Yanez		
112	Gary		Massey		
113	Corena		Nunez		
114	Andrew	W	Greenman		
115	Michael	J	Oria		
116	Jeremiah	J	Schwartz		
117	MARIA		MOREIRA		
118	OMAR		AGUIRRE		
119	Emily		Mueller		
120	Dan		Lewis		
121	Albert	K	Brigoli		
122	Wesley	A	Templeton		
123	Akos		Kokai		
124	Jeremy		Goetzinger		
125	Steven		Palmen		
126	Africa		Piury Marassi		
127	Sally		Dewan		
128	Ann		Vrabel		
129	Joseph		Olschewski		
130	Herbert	H	Chau		
131	Stiljan		Nika		
132	Fook Mun		Lam		
133	Jon	N	Hohol		
134	konstantinos		kokkinos		
135	Christi		Ellwanger		



Opt Out Count	First Name	Middle Name	Last Name
1	Cynthia		Williams
2	Kathleen		Yeaton
3	Marvin		Kirsner
4	Christian		Dulu
5	Jaime		Burns-France
6	Julia		Karakozoff
7	Alexandra		Walker
8	Matthew		Marks
9	Kathleen		Miller
10	Monica		Garcia
11	Lauren	B	Pena
12	Bruce		Harrington
13	Arni		Sumarlidason
14	Thomas		Reyes
15	Craig		Alvarez
16	Patricia		Kerr
17	Saylee		Parab
18	Jayson	J	Estrada