

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ANTONIO MARTINEZ, individually  
and on behalf of other persons  
similarly situated,

Plaintiff,

vs.

J. FLETCHER CREAMER & SON,  
INC.; and DOES 1 through 10.

Defendants.

Case No. CV 10-0968-PSG-FMOX  
CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
AWARDING COSTS AND FEES AND  
ENHANCEMENT PAYMENT

Date: March 19, 2012  
Time: 1:30 p.m.  
Ctrm: 880 (Roybal)

The motion of plaintiff Antonio Martinez (“Plaintiff”) for an order granting final approval of the class action settlement agreement (“Settlement”) reached with defendant J. Fletcher Creamer & Son, Inc. (“Defendant”), which was preliminarily approved by the Court on November 7, 2011, and for an award of costs and fees and an enhancement payment, came regularly on for hearing on March 19, 2012. Good cause having been shown, Plaintiff’s motion is GRANTED and it is hereby ordered that:

1. The Court finds and determines that the notice procedure afforded to class members under the Settlement gave them the best notice practicable under the circumstances and satisfied the requirements of law and due process.

1           2.     The Court finds and determines that the Settlement Class, comprised of the  
2 California Laborers Class and California Former Laborer Class defined below, meets all  
3 of the legal requirements for class certification, and orders that the following Settlement  
4 Class is finally approved and certified as a class for purposes of settlement of this  
5 action:

6           California Laborers Class: All persons who at any time between February 9,  
7 2006 and July 15, 2011 were employed by J. Fletcher Creamer as a laborer on a  
8 construction project situated anywhere in the State of California; and

9           California Former Laborers Class: All persons who at any time between February  
10 9, 2006 and July 15, 2011 were employed by J. Fletcher Creamer as a laborer on a  
11 construction project situated anywhere in the State of California, whose employment  
12 terminated at any time between February 9, 2006 and July 14, 2011.

13           3.     The Court finds and determines that the terms of the Settlement are fair,  
14 reasonable and adequate to the class and to each class member and that the class  
15 members who have not opted out of the Settlement are bound by the Settlement;

16           4.     The Court finds and determines that the Settlement benefits to be provided  
17 to Class Members who submitted claims in accordance with the Settlement are fair and  
18 reasonable and gives final approval to and orders the distribution of settlement benefits  
19 in accordance with the Settlement.

20           5.     The Court finds and determines that Plaintiff's request for costs and fees in  
21 the combined amount of \$115,000 is reasonable, under both the percentage of the fund  
22 approach and based on a lodestar analysis, and awards Plaintiff costs and fees in the  
23 amount of \$115,000.

24           6.     The Court finds and determines that Plaintiff's request for an enhancement  
25 payment in the amount of \$5,000 is reasonable and awards Plaintiff an enhancement  
26 payment in the amount of \$5,000.  
27  
28

1           7.     The Court orders that, pursuant to the Settlement, all Class Members who  
2 did not timely request exclusion from the Settlement are permanently barred from  
3 prosecuting against Defendant and its parents, predecessors, successors, subsidiaries,  
4 affiliates, and trusts, and all of its employees, officers, agents, attorneys, stockholders,  
5 fiduciaries, other service providers, and assigns, any of the claims released by them  
6 under the Settlement;

7           8.     The Court orders the parties to comply with the terms of the Settlement;

8           9.     The Court orders that this action is hereby dismissed with prejudice and  
9 directs the clerk to enter this order as a final judgment; and

10          10.    The Court orders that, notwithstanding dismissal of the action and entry of  
11 a final judgment, it shall retain jurisdiction over all matters relating to the interpretation,  
12 administration, implementation, effectuation and enforcement of this order or the  
13 Settlement.

14  
15  
16 Dated:     03/19/12

  
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United States District Court Judge