

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GRAYLING TAYLOR, an individual,
and BRUCE BROWN, an individual,
on behalf of themselves and others
similarly situated,

Plaintiffs,

vs.

SHIPPERS TRANSPORT EXPRESS,
INC., a California corporation; SSA
MARINE, INC., a Washington
corporation; and DOES 1 to 10,
inclusive,

Defendants.

Case No.: CV13-02092-BRO(PLAx)

AMENDED JUDGMENT

Hon. Beverly Reid O'Connell

On May 14, 2015, this Court issued an Order granting Plaintiffs' Motions for Final Approval of Class Action Settlement and Attorneys' Fees ([Document No. 246](#)). For all the reasons stated in that Order, the Court GRANTS final approval of the Settlement reached between the parties in this class action, and GRANTS Plaintiffs' Motion for Fees, as follows:

1 1. This Judgment incorporates by reference the definitions in the Settlement
2 and all capitalized terms used in this Judgment that are not otherwise defined shall have
3 the same meanings as set forth in the Settlement.

4 2. The Court finds that this Settlement satisfies the requirements for class
5 action settlement under Rule 23 of the Federal Rules of Civil Procedure and further finds
6 that the Class Members have at all times been adequately represented by the class
7 representative and Class Counsel. The Class includes that class of drivers certified by the
8 Court's March 10, 2014 order ([Document No. 71](#)), plus any other driver who entered into
9 a truck lease agreement with Shippers Transport Express, Inc. in California after the
10 Claims Administrator, Gilardi & Company, LLC, first sent notice of the class action in
11 June 2014 through the date of the preliminary settlement approval on March 4, 2015.
12 The Class also includes those Class Members who were identified and subsequently
13 agreed to by the parties during the claims administration process, as shown in Exhibit A
14 hereto. The Class does not include the 12 drivers listed in Exhibit B hereto who timely
15 and validly opted out upon notice of class certification.

16 3. The Court finds that the Notice given to the Class Members fully complied
17 with Rule 23, was the best notice practicable, satisfies the requirements of due process,
18 and provides the Court with jurisdiction over the Class Members.

19 4. The Court has concluded that the Settlement as set forth in the Settlement
20 Agreement executed by the parties is fair, reasonable, and adequate. The Court finds the
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1 \$11,040,000 Class Settlement Amount established pursuant to the Settlement Agreement
2 is reasonable and adequate.

3 5. The Court finds that the plan for distribution of the Net Settlement Amount
4 among the Class Members as described in the Settlement Agreement is fair and
5 reasonable.
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7 6. The Settlement is hereby APPROVED in all respects, and the releases
8 encompassed therein are effectuated.

9 7. The Court AWARDS Class Counsel attorneys' fees in the amount of
10 \$3,680,000.
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12 8. The Court AWARDS Class Counsel reimbursement of costs in the amount
13 of \$291,160.45.
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15 9. The Court AWARDS an incentive payment to Named Plaintiffs Bruce
16 Brown and Grayling Taylor in the amount of \$15,000 each; and to active class members
17 Elroy Lambey and Mario Giron the amounts of \$10,000 and \$7,500, respectively.
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19 10. The Court APPROVES the payment of civil penalties under California's
20 Private Attorney General Act in the amount of \$50,000. Pursuant to the prescribed
21 allocation under section 2699 of the California Labor Code, 75% of said amount shall be
22 distributed to the Labor and Workplace Development Agency and 25% shall revert to and
23 be deemed part of the Net Settlement Amount for distribution to the Class Members.
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1 11. The Court approves payment of the administration costs to the Claims
2 Administrator, Gilardi & Co. LLC, in the amount of \$29,300.80.

3 12. The Court hereby gives final approval to, and orders that the payment of, the
4 amounts described in paragraphs 6 to 10 above be paid out of the Class Settlement
5 Amount in accordance with the Settlement Agreement.
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7 13. The parties are hereby ordered to consummate the Settlement in accordance
8 with the terms and provisions therein.
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10 14. The First Amended Complaint filed on February 22, 2013, is hereby
11 dismissed with prejudice, without costs to any party, except as otherwise provided in the
12 Settlement Agreement.

13 15. This document shall constitute a final judgment with respect to the claims of
14 the Class Members for purpose of Rule 58 of the Federal Rules of Civil Procedure.
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16 14. Without affecting the finality of this Judgment in any way, this Court retains
17 continuing jurisdiction over: (i) implementation of the Settlement; (ii) the allowance,
18 disallowance or adjustment of any Class Member's claim on equitable grounds and any
19 award or distribution of the Class Settlement Amount; (iii) disposition of the Class
20 Settlement Amount; (iv) all Parties for the purpose of construing, enforcing and
21 administering the Settlement and this Judgment; and (v) other matters related or ancillary
22 to the foregoing.
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1 16. Pursuant to 28 U.S.C. § 1715 (d), this Judgment granting final approval of
2 the proposed settlement may not be issued or entered earlier than June 4, 2015 which is
3 90 days after the date on which the appropriate Federal and State officials were served
4 with the notice required under subsection (b). The Court expressly directs the Clerk of
5 Court to enter judgment in accordance with these terms.
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8 Dated: June 4, 2015
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11 Beverly Reid O'Connell
12 UNITED STATES DISTRICT JUDGE
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EXHIBIT A

Exhibit A: Class Members Identified and Agreed to by the Parties During Claims Administration

1. KEITH DAFNEY
2. REYES OMAR GONZALES
3. CARLOS GARCIA
4. JORGE GONZALEZ
5. OSWALD RIVAS
6. ENRIQUE PEREZ
7. ARNOLDO ANTONIO OSTORGA

EXHIBIT B

List of timely Requests for Exclusion

	First Name	Last Name
1	CRUZ EDGARDO	AGUILAR
2	JESUS (JOSE)	ALVAREZ GALLEGOS
3	ROBERTO	BONILLA
4	DAVID	CABADAS
5	JOSE ERIC	CACERES
6	MOISES	CALIX
7	JOSE ANTONIO	ESTRADA
8	RENATO PEIXOTO	FERRANTE
9	DILLINGER	GONZALEZ
10	OSCAR	MARMOL
11	OTTO	MARTINEZ
12	HERNAN ROBLETO	OROCHELA