

FILED
 CLERK, U.S. DISTRICT COURT

Nov 19, 2014

CENTRAL DISTRICT OF CALIFORNIA
 BY: PMC DEPUTY

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

SEAN PAGEL, an individual, for himself and those similarly situated,

Plaintiff,

vs.

DAIRY FARMERS OF AMERICA, INC., a Kansas corporation; and DOES 1 through 100, inclusive,

Defendants.

CASE NO: 2:13-cv-02382-SVW (VBK)
[Assigned to Hon. Stephen V. Wilson]

CLASS ACTION

(Removed from Ventura County Superior Court Action, Case No. 56-2011-00404882-CU-OE-VTA)

[PROPOSED] FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

Final Approval Hearing Held:

DATE: September 22, 2014
 TIME: 1:30 p.m.
 PLACE: Courtroom 6 – 2nd Floor
 312 North Spring Street
 Los Angeles, CA 90012

On September 22, 2014, Plaintiff’s Motion for Final Approval of Class Action Settlement, Attorneys’ Fees and Service Award (the “Final Approval Motion”) came before the Court for hearing pursuant to the Order of this Court, dated May 13, 2014, on the application of Plaintiff SEAN PAGEL for approval of the comprehensive settlement terms set forth in the Joint Stipulation re: Class Action Settlement and Release (hereinafter the “Settlement” or the “Stipulation,” Docket No. 47).

1 For the reasons stated in its Order dated _____, ~~2013~~ (hereinafter the
2 "Final Approval Order," Docket No. 54), this Court granted the Final Approval
3 Motion.

4 Pursuant to Federal Rule of Civil Procedure 58, the Court now HEREBY
5 ORDERS ENTRY OF JUDGMENT as follows:
6

7 1. This Judgment incorporates by reference the definitions in the Stipulation,
8 and all capitalized terms used, but not defined herein, shall have the same meanings as
9 in the Stipulation.

10 2. This Court has jurisdiction over the subject matter of the Action and over
11 all parties to the Action, including all Class Members.

12 3. All Parties are bound by this Final Judgment and Order of Dismissal with
13 Prejudice and by the Stipulation. The parties shall comply with the terms and conditions
14 of the Stipulation and of the Final Approval Order. Defendant DFA shall pay the
15 settlement funds through the procedure described in the Stipulation.

16 4. The Court previously certified the Action as a class action under Federal
17 Rule of Civil Procedure 23, for settlement purposes. The Class is defined as set forth in
18 the Stipulation.

19 5. The Court approves the following payments, after which the remaining
20 settlement funds shall be distributed to the Participating Class Members pursuant to the
21 terms of the Stipulation and Final Approval Order:

- 22 - California Labor and Workforce Development Agency: \$71,873.08;
- 23 - Plaintiff SEAN PAGEL (as a Service Award): \$10,000;
- 24 - Class Counsel (as attorney's fees): \$103,950;
- 25 - Class Counsel (as litigation costs and expenses): \$6,046.92; and
- 26 - CPT Group, Inc. (for claims administration fees): \$13,000.

27 6. Except as to any individual claim of those persons who have validly and
28 timely requested exclusion from the Class, the Action is dismissed with prejudice.

1 7. Upon the Effective Date (as defined in § 1.14 of the Stipulation), all
2 Released Claims of each and every member of the Class are and shall be deemed to be
3 conclusively released as against Defendant (as set forth in § 1.34 of the Stipulation).
4 All persons and entities who are in the Class are hereby forever barred and enjoined
5 from commencing, prosecuting or continuing, either directly or indirectly, against
6 Defendant, in this or any other jurisdiction or forum, any and all Released Claims (as
7 defined in the Stipulation).

8 8. Without affecting the finality of this Final Judgment and Order of
9 Dismissal with Prejudice in any way, this Court hereby retains continuing jurisdiction
10 over: (a) implementation of the Settlement and any award or distribution of the
11 Settlement Fund, including interest earned thereon; (b) disposition of the Settlement
12 Fund; (c) hearing and determining applications for attorney fees and expenses in the
13 Action; and (d) all parties hereto for the purpose of construing, enforcing, and
14 administering the Stipulation and the Settlement therein.

15 9. The Court finds that during the course of the Action, the Settling Parties
16 and their respective counsel at all times complied with the requirements of Federal Rule
17 of Civil Procedure 11.

18 10. In the event that the Settlement does not become effective in accordance
19 with the terms of the Stipulation or the Effective Date does not occur, or in the event
20 that the Settlement Fund, or any portion thereof, is returned to the Defendant, then this
21 Final Judgment and Order of Dismissal with Prejudice shall be rendered null and void
22 to the extent provided by and in accordance with the Stipulation and shall be vacated
23 and, in such event, all orders entered and releases delivered in connection herewith shall
24 be null and void to the extent provided by and in accordance with the Stipulation.

25 11. Pursuant to the terms of the Stipulation, entry of this Judgment shall
26 become effective only *after* the Settlement has been fully funded (Stipulation of
27 Settlement, at § 3.22).
28

1 12. Therefore, the Clerk of the Court is expressly directed enter this Final
2 Judgment and Order of Dismissal with Prejudice, on or after October 22, 2014, so as to
3 allow time for the Settlement to be effectuated prior to entry of the dismissal.
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5 **IT IS SO ORDERED.**

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8 DATED: November 19, 2014



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HON. STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE