

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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|----|-------------------------------------|---|--|
| 10 | ARTHUR WILLIAMS, an individual; |) | Case No.: 2:15-cv-02474 MWF (AGRx) |
| 11 | CARL CURTIS, an individual, |) | |
| 12 | Plaintiffs, |) | Assigned to Hon. Michael W. Fitzgerald |
| 13 | vs. |) | FINAL JUDGMENT AND ORDER |
| 14 | BRINDERSON CONSTRUCTORS, |) | OF DISMISSAL WITH PREJUDICE |
| 15 | INC., a California corporation; and |) | <u>HEARING:</u> |
| 16 | DOES 1 through 100, inclusive, |) | Date: February 6, 2017 |
| 17 | Defendants. |) | Time: 10:00 a.m. |
| 18 | |) | Place: Courtroom 5A |
| 19 | |) | 350 W. 1 st Street |
| 20 | |) | Los Angeles, CA 90012 |
| 21 | |) | |
| 22 | |) | |

On February 6, 2017, 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, on the application of Plaintiffs ARTHUR WILLIAMS and CARL CURTIS 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. 41-4 through 41-6).

1 For the reasons stated in its Order dated February 6, 2017 this Court granted the
2 Final Approval Motion.

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

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

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

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

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

17 5. The Settlement as described in the Stipulation is fair, reasonable, and
18 adequate to the Settlement Class when balanced against the probable outcome of
19 extensive and costly litigation and it is in the best interest of the Class. Substantial
20 investigation and research have been conducted such that the Plaintiffs' and
21 Defendant's respective counsel have been reasonably able to evaluate their respective
22 positions. The Stipulation was the result of non-collusive, arm's length negotiations,
23 including private mediation before an experienced wage-and-hour mediator; thorough
24 factual and legal investigation; and the good-faith exchange of information and
25 documents. The Court has considered the nature of Plaintiffs' claims, the amounts and
26 kinds of benefits to be paid under the Settlement Stipulation, the allocation of the
27 settlement proceeds to the Settlement Class, and the fact that the Settlement Stipulation
28 represents a compromise of the Plaintiffs' and Defendant's respective positions rather

1 than the result of a finding of liability at trial

2 6. The Court finds that the Parties and the Claims Administrator have fully
3 complied with and implemented this Court's instructions regarding class notice as set
4 forth in its Order Granting Preliminary Approval entered on September 19, 2016.

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

- 8 - California Labor and Workforce Development Agency: \$10,000.00;
- 9 - Plaintiff ARTHUR WILLIAMS (as a Service Award): \$5,000.00;
- 10 - Plaintiff CARL CURTIS (as a Service Award): \$5,000.00;
- 11 - Class Counsel (as attorney's fees): \$99,900.00;
- 12 - Class Counsel (as litigation costs and expenses): \$8,288.09; and
- 13 - CPT Group, Inc. (for claims administration fees): \$8,500.00.

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

16 9. Upon the Effective Date (as defined in §1.14 of the Stipulation), all
17 Released Claims of each and every member of the Class are and shall be deemed to be
18 conclusively released as against Defendant. All persons and entities who are in the
19 Class are hereby forever barred and enjoined from commencing, prosecuting or
20 continuing, either directly or indirectly, against Defendant, in this or any other
21 jurisdiction or forum, any and all Released Claims (as defined in the Stipulation of
22 Settlement).

23 10. This Judgment has the force and effect of *res judicata* as to each Class
24 Member.

25 11. The Court finds that in accordance with the requirements of the Class
26 Action Fairness Act of 2005, 28 U.S.C. §1715, Defendant caused to be mailed notice of
27 the Settlement via certified mail to the Attorney General of the United States of
28 America and appropriate state official of each of the states where Class Members

1 reside. No objections were filed by any state or federal official.

2 12. The Court finds that during the course of the Action, the Settling Parties
3 and their respective counsel at all times complied with the requirements of Federal Rule
4 of Civil Procedure 11.

5 13. Within fifteen (15) calendar days of the entry of this order, Defendant shall
6 cause to be transferred to the Claims Administrator the Gross Settlement Amount of
7 \$300,000. Defendants will have no further liability for costs, expenses, interest,
8 attorneys' fees, or for any other charge, expense or liability, except as provided in the
9 Settlement Stipulation.

10 14. Upon receipt of the Gross Settlement Amount from Defendants, the Court
11 authorizes the Claims Administrator to issue settlement checks to Settlement Class
12 Members who have submitted valid claim forms pursuant to the formula set forth in the
13 Settlement Stipulation. The Court also authorizes the Claims Administrator to
14 distribute the aforementioned (1) attorney's fees and costs to class counsel; (2)
15 settlement administration fees and expenses to the Claims Administrator; (3) the service
16 awards to Plaintiffs; and (4) the PAGA payment to the LWDA.

17 15. Without affecting the finality of this Final Judgment and Order of
18 Dismissal with Prejudice in any way, this Court hereby retains continuing jurisdiction
19 over: (a) implementation of the Settlement and any award or distribution of the
20 Settlement Fund,; (b) disposition of the Settlement Fund; (c) hearing and determining
21 applications for attorney fees and expenses in the Action; and (d) all parties hereto for
22 the purpose of construing, enforcing, and administering the Stipulation and the
23 Settlement therein.

24 **IT IS SO ORDERED.**

25
26 DATED: February 6, 2017



27 Hon. Michael W. Fitzgerald
28 United States District Court Judge