

Priority
Send
Enter
Closed
~~JS-5/JS-6~~
JS-2/JS-3
Scan Only

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**

ROBERT C. ALMOND, DAVID V. DIAZ, JEAN C. MORRIS, and MARK PEREZ on their own behalf, and as class action representatives of all those similarly situated, and in the interest of the general public,

Plaintiffs,

v.

NORTHWEST PIPE COMPANY, an Oregon corporation, and DOES 1 through 100,

Defendants.

Case No.: EDCV 07-00198 SGL (JCRx)

[PROPOSED] JUDGMENT

Hearing Date: None requested

Time:

Judge: Hon. Stephen Larson

Complaint Filed: January 11, 2007

WHEREAS, this action was filed January 11, 2007, in San Bernardino Superior Court by Plaintiffs, Robert C. Almond, David V. Diaz, and Jean C. Morris against Defendant Northwest Pipe Company (“Defendant”). Plaintiffs alleged violations of California’s meal and rest break law (*Labor Code* § 226.7) and pled the action as a class action. The action was subsequently removed to this Court.

On July 24, 2007 Plaintiffs amended the action, adding an additional plaintiff, Mark Perez, and adding an additional cause of action for non-payment of overtime. (Plaintiffs Almond, Diaz, Morris and Perez are referred to collectively as “Plaintiffs”).

///

1 Plaintiffs did not move for class certification and no ruling was made on the
2 merits of class certification. Plaintiffs and Defendants agreed to mediate Plaintiffs'
3 individual claims. On June 2, 2008, the parties participated in mediation. The
4 parties settled all of the plaintiffs' individual claims, subject to the Court's
5 determination of the amount of plaintiffs' attorney fees and costs, which Defendant
6 agreed to pay. The settlement was memorialized in a written settlement agreement
7 which was filed with the Court. As to their individual claims, Plaintiffs are the
8 prevailing parties.

9 Pursuant to the Settlement, Plaintiffs moved for an order for attorneys' fees
10 and costs. Defendant opposed the motion. The Court granted the motion and set
11 the attorneys' fees payable to plaintiffs' counsel Donahoo & Associates in the
12 amount of \$68,295.60. To recover costs, the Court ordered plaintiffs' counsel to file
13 a Bill of Costs in accordance with Local Rule 54-3. On September 26, 2008,
14 Plaintiffs' counsel Donahoo & Associates filed a Bill of Costs.

15 THEREFORE, Plaintiffs Robert C. Almond, David V. Diaz, Jean C. Morris
16 and Mark Perez shall recover from Defendant Northwest Pipe Company as set forth
17 in the Settlement Agreement. Defendant Northwest Pipe Company shall pay
18 Plaintiffs' counsel Donahoo & Associates \$68,295.60 in attorneys' fees and
19 _____ ~~in~~ costs. *according to proof.*

20 In light of the settlement between Defendant and the Plaintiffs, the individual
21 claims of Plaintiffs Almond, Diaz, Morris and Perez are dismissed with prejudice.
22 Class claims brought by Plaintiffs on behalf of unnamed plaintiffs are dismissed
23 without prejudice.

24 IT IS SO ORDERED.

25
26 
27 _____
28 Honorable Stephen G. Larson
U.S. District Court Judge

Dated *9-28-08*