

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**

SERGIO AQUINO, an individual, on behalf of himself and all others similarly situated,

Plaintiff,

v.

CEVA LOGISTICS U.S. INC., a Delaware corporation, CEVA FREIGHT MANAGEMENT INTERNATIONAL, INC., a Delaware corporation, CEVA HOLDINGS, LLC, a Delaware limited liability company and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 5:14-cv-01795-VAP (DTBx)

~~PROPOSED~~ ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

**Date: June 13, 2016
Time: 2:00 p.m.
Courtroom: 780**

FINAL APPROVAL ORDER AND JUDGMENT

WHEREAS, on October 28, 2015 and February 2, 2016, Orders Preliminarily Approving the Settlement (collectively "Preliminary Approval Orders") were issued by the Court preliminarily approving the Joint Stipulation of Class Action Settlement

[PROPOSED] ORDER AND JUDGMENT GRANTING MOTION FOR ATTORNEY FEES, COSTS, INCENTIVE AWARD, AND SETTLEMENT ADMINISTRATION EXPENSES

1 (“Settlement Stipulation” or “Settlement Agreement”) and directing that notice be
2 given to the Settlement Class pursuant to the terms of the Preliminary Approval
3 Orders and Settlement Agreement;
4

5 WHEREAS, pursuant to the terms of the Preliminary Approval Orders and
6 Settlement Agreement, the Settlement Class was notified of, *inter alia*: (i) the terms
7 of the Settlement Agreement; (ii) the right of and procedure for members of the
8 Settlement Class to exclude themselves from the settlement; (iii) the right of and
9 procedure for Settlement Class Members to object to final approval of the settlement
10 and/or Class Counsel’s Motion for Attorneys’ Fees and Costs (including the incentive
11 award to the Class Representative); and (iv) the date, time and location of the Final
12 Approval Hearing and that the date, time, and location of the Final Approval Hearing
13 were subject to change by the Court without further notice to Settlement Class
14 Members.
15
16
17

18 NOW, THEREFORE, the Court, having considered the presentations of Class
19 Counsel and CEVA’s Counsel, having reviewed the submissions presented with
20 respect to the settlement and the fact that no objections were filed, and having
21 considered the requirements for class certification, and pursuant to the Order rendered
22 on June 13, 2016 granting Final Approval, it is hereby ORDERED, ADJUDGED
23 AND DECREED THAT:
24
25

26 ///

27 ///
28

1 1. The capitalized terms used in this Final Approval Order and Judgment
2 shall have the same meaning as defined in the Settlement Agreement.

3
4 2. The Court has jurisdiction over the subject matter of the Action and over
5 all claims raised therein and all Parties thereto, including the Settlement Class.

6 3. The Court has analyzed the elements for class certification and finds,
7 solely for the purposes of considering final approval of the Settlement, that the
8 requirements of Federal Rule of Civil Procedure 23 are satisfied, including
9 requirements of an ascertainable Settlement Class, numerosity of the Settlement Class,
10 common questions of law or fact, typicality of the Class Representative's claims to the
11 claims of the Settlement Class, the predominance of common issues of law and fact
12 and superiority of a class action to resolve the claims in the Action compared to
13 alternative means. Accordingly, the Court hereby certifies the Settlement Class.
14
15

16 4. The Settlement Class, which shall be bound by this Final Approval Order
17 and Judgment, shall include all members of the Settlement Class who did not submit
18 timely and valid Requests for Exclusion.
19
20

21 5. For purposes of the Settlement and this Final Approval Order and
22 Judgment, the Settlement Class shall consist of all current and former non-exempt
23 employees employed by Defendants at CEVA's Mira Loma Fulfillment Center in the
24 State of California from July 15, 2010 through September 30, 2013, and includes
25 persons paid
26
27

28 ///

1 through third-party staffing agencies. The Settlement Class fall into the following two
2 Sub-Classes:

3
4 (1) “CEVA Sub-Class Members” means all current and former non-
5 exempt employees directly employed by Defendants at CEVA’s Mira
6 Loma Fulfillment Center in the State of California from July 15, 2010
7 through September 30, 2013.

8 (2) “Temp Sub-Class Members” means all current and former non-
9 exempt employees placed by and paid through third-party staffing
10 agencies and placed at CEVA’s Mira Loma Fulfillment Center in the
11 State of California from July 15, 2010 through September 30, 2013.

12
13 6. The Court finds that the provisions for notice to the Settlement Class set
14 forth in paragraphs 43 and 45 and exhibit A of the Settlement Agreement and
15 performed pursuant to the Preliminary Approval Orders are the best notice practicable
16 and sufficient notice to the Settlement Class of the terms of the Settlement Agreement,
17 Settlement Class members’ right to exclude themselves from the Settlement
18 Agreement so as not to be bound by its terms or to object to the Settlement Agreement
19 and/or Class Counsel’s motion for attorneys’ fee and costs, and the Final Approval
20 Hearing and fully comply with the Federal Rules of Civil Procedure, the United States
21 Constitution, federal due process, and any other applicable law.
22
23
24

25 7. The settlement, claims administration, and payment distribution process
26 as set forth in the Settlement Agreement, are in all respects fair, reasonable, adequate
27 and in the best interests of the Settlement Class, and, as such, they are approved. The
28

1 Parties shall effectuate the Settlement according to the terms of the Settlement
2 Agreement. The Settlement Agreement and every provision therein shall be deemed
3 incorporated herein as if fully set forth and shall have the full force of an order of this
4 Court.
5

6 8. Within thirty (30) business days after the Effective Date (which is thirty
7 days after the entry of Order granting Final Approval as no objections were filed),
8 Defendants will deposit Three Hundred Fifty Thousand Dollars (\$350,000) into the
9 Qualified Settlement Account. Within seven (7) business days of such deposit, the
10 Settlement Administrator shall distribute payments in the Court-approved amounts for
11 Class Counsel's Award, Class Representative Enhancement Payment, Settlement
12 Administration Costs. The Settlement Administrator shall also distribute funds from
13 the Net Settlement Amount, the Individual Settlement Payments to Settlement Class
14 Members.
15

16 9. Upon the Final Effective Date, Plaintiff and each and every Settlement
17 Class Member (including any of their spouses, heirs, executors, administrators,
18 trustees, and/or permitted assigns) shall have, by operation of this Final Approval
19 Order and Judgment, fully, finally, and forever released, relinquished and discharged
20 each and all of the Released Parties from any and all of the Class Representatives' and
21 each and every Settlement Class Member's Released Claims, known or unknown.
22

23 10. This Final Approval Order and Judgment, the Settlement Agreement, and
24 any and all acts, statements, documents or proceedings relating to the Settlement are
25

26
27
28 **ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

1 not, and shall not be construed as, or used as admissions by or against CEVA and any
2 of the Released Parties of any fault, wrongdoing, or liability on its part, or of the
3 validity of any claim or the existence or amount of any damages.
4

5 11. The payments ordered in this Final Approval Order and Judgment shall
6 be made in the manner and at the times set forth in the Settlement Agreement.
7

8 12. Without affecting the finality of the Judgment hereby entered, the Court
9 reserves jurisdiction over the implementation of the Settlement and the enforcement
10 and administration of the Settlement Agreement, including the releases contained
11 herein and in the Settlement Agreement, and any matters related to or ancillary to the
12 foregoing.
13

14 13. The provisions of this Final Approval Order and Judgment constitute a
15 full and complete adjudication of the matters considered and adjudged herein, and the
16 Court determines that there is no just reason for delay in the entry of judgment. The
17 Clerk is hereby directed to immediately enter this Final Judgment.
18

19 20 14. Class Counsel' request for attorneys' fees in the amount of \$87,500 is
21 granted.
22

23 15. Class Counsel's request for reimbursement of litigation costs in the
24 amount of \$24,089.90 is granted.
25

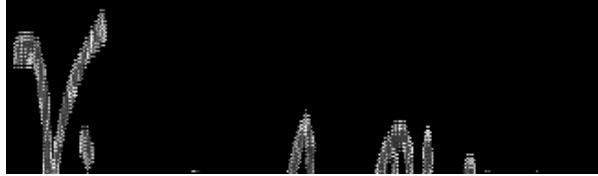
26 16. Plaintiff Sergio Aquino's Incentive Award in the amount of \$1,500 is
27 granted.
28

///

1 ///

2 17. Class Action Administration, LLC's request for \$33,500 representing
3 Settlement Administration Expenses is granted.
4

5 IT IS SO ORDERED AND ADJUDGED.



9 Dated: June 23, 2016

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Honorable Virginia A. Phillips
United States District Court Judge