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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS CABRALES, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CASTLE & COOKE MORTGAGE, LLC,
a Delaware limited liability company,

Defendant.

No. 1:14-cv-01138-MCE-JLT

**ORDER GRANTING (1) MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND (2) MOTION FOR
AWARD OF ATTORNEYS' FEES,
LITIGATION EXPENSES, AND SERVICE
PAYMENTS**

Pending before the Court are (1) Plaintiff's Motion for Final Approval of Class Action Settlement ("Approval Motion"), relating to the Settlement between plaintiff Luis Cabrales and defendant Castle & Cooke Mortgage, LLC ("Defendant") and (2) the Motion for Award of Attorneys' Fees, Litigation Expenses, and Enhancements (Dkt. 48). Having read and considered the moving papers and the supporting declarations, and finding good cause, the Court finds and orders as follows:

On July 15, 2016, the Court entered an Amended Order Preliminarily Approving Class Action Settlement and Providing for Notice (Dkt. 47) (the "Preliminary Approval Order").

In the Preliminary Approval Order, the Court found that the Class meets the requirements for certification under Fed. R. Civ. P. 23(a) and 23(b)(3) in that: (1) the

1 Class is so numerous that joinder is impracticable; (2) there are questions of law and fact
2 that are common to all Class Members, which questions predominate over individual
3 issues; (3) Cabrales' claims are typical of the claims of the Class; (4) Cabrales and Class
4 Counsel will fairly and adequately protect the interests of the Class; and (5) a class
5 action is superior to other available methods for the fair and efficient adjudication of the
6 controversy. The Court hereby reaffirms those findings.

7 The Court finds that Class Notice was mailed to class members in accordance
8 with the procedure set forth in the Preliminary Approval Order. The Court further finds
9 that the notice to Class Members provided in this action complies with Fed. R. Civ. P. 23
10 and due process and constitutes the best notice practicable under the circumstances.

11 The Court hereby GRANTS the Motion for Final Approval of Class Action
12 Settlement. Based on all relevant factors, including the strength of the case, the risk,
13 expense, complexity and likely duration of further litigation, the amount of the
14 Settlement, the reaction of the Class Members, and the experience and views of
15 counsel, the Court finds that the Settlement is fair, reasonable, adequate, and in the best
16 interests of the Class Members. The Court notes that only five Class Members
17 requested exclusion from the Settlement, so that 99.96% of Class Members will
18 participate in the Settlement. The names of the Class Members who opted-out are:
19 Nancy C. Dyas, Leobardo J. Landerso, Thomas A. Blank, Allan Sobie, and Bobby
20 Barao. The Court further notes that no objections have been filed with the Court. The
21 Court finds that the letter submitted by Robert W. Williams to Class Counsel (Dostart
22 Decl. Ex. 2) is not an objection. In the Preliminary Approval Order, the Court directed
23 that "Any objections to the Settlement or to any of its provisions must be *filed with this*
24 *Court* and served upon counsel no later than forty-five (45) following the mailing of the
25 Notice of Class Action Settlement, or else such objections will be waived." Dkt. 47 at ¶ 6
26 (italics added). The Williams letter was not filed with the Court, and therefore is not an
27 objection. Furthermore, the Williams letter does not set forth any legal or factual basis of
28 an objection to the Settlement. Alternatively, however, even if the Court were to treat the

1 Williams letter as an objection, the Court would overrule it because there is no showing
2 that the Settlement is unfair, unreasonable, or not in the best interests of Class
3 Members.

4 The Court hereby GRANTS the motion for an award of attorneys' fees and
5 litigation expenses but declines to award the entire \$330,000 sought to the extent that
6 figure represents 30% of the entire \$1.1million cash component of the Settlement.
7 Instead, the Court, in exercising its discretion, finds 25% of the cash component to be a
8 more equitable award and consequently awards Class Counsel attorneys' fees in the
9 amount of \$275,000. The Court finds that amount to be reasonable based on all
10 relevant factors, including the results achieved, the risks of the litigation, the skill
11 required and quality of work, the contingent nature of the fee, and awards made in
12 similar cases. The Court also awards Class Counsel reimbursement of litigation
13 expenses in the amount of \$31,716.61, which the Court finds is reasonable in amount
14 and incurred for the prosecution of this action.

15 The Court hereby GRANTS the motion for award of service payments. The Court
16 awards service payments in the amount of \$5,000 to Luis Cabrales and in the amount of
17 \$2,500 to each of Linda Behrendt, Richard Berni, Mariano Bonilla, Sara Chik, Alex
18 Deboma, and Todd Fandrich. The Court finds that the service payments are
19 independent of the final settlement approval and represent a reasonable enhancement
20 for assistance rendered to Class Counsel in this case.

21 The Court approves payment of administration expenses to the Claims
22 Administrator, CPT Group, Inc., in the amount of \$83,000, which the Court finds is
23 reasonable total compensation to the Claims Administrator for all services rendered to
24 date as well as and for all services to be rendered through the conclusion of settlement
25 administration in this matter.

26 The parties are ordered to carry out the Settlement in the manner provided in the
27 Settlement Agreement. Pursuant to Section II.A.3.(a) of the Settlement Agreement, the
28 Effective Date of the Settlement is the date on which the Court enters judgment in this

1 action.

2 The Court retains continuing jurisdiction over the parties and the Class Members
3 to effectuate and ensure compliance with the Settlement.

4 IT IS SO ORDERED.

5 Dated: February 9, 2017

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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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