

1 (Counsel of record on next page)

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIA LUISA MEJIA, ELVIRA MUNGIA
LOPEZ, MARIA BENAVIDEZ, and
MARTIN MONTER, individually and acting
in the interest of other current and former
employees,

Plaintiffs,

vs.

SODEXO, INC., a Delaware corporation;
SDH SERVICES WEST, LLC, a Delaware
limited liability company (and wholly owned
and controlled subsidiary of SODEXO,
INC.), and DOES 1 through 20, inclusive,

Defendants.

No. 16-cv-02120-LEK

CLASS ACTION

**ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
ENTERING FINAL JUDGMENT**

Date: July 9, 2018
Time: 12:45 p.m.
Courtroom: 4, 15th Floor
501 I Street
Sacramento, CA 95814
Judge: Hon. Leslie E. Kobayashi

1 STAN S. MALLISON (SBN 184191)
stanm@themmlawfirm.com
2 HECTOR R. MARTINEZ (SBN 206336)
hectorm@themmlawfirm.com
3 MARCO A. PALAU (SBN 242340)
mpalau@themmlawfirm.com
4 JOSEPH D. SUTTON (SBN 269951)
jsutton@themmlawfirm.com
5 ERIC S. TRABUCCO (SBN 295473)
etrabucco@themmlawfirm.com
6 HILARY HAMMELL (SBN 291347)
hhammell@themmlawfirm.com
7 MALLISON & MARTINEZ
1939 Harrison Street, Suite 730
8 Oakland, California 94612
Telephone: (510) 832-9999
9 Facsimile: (510) 832-1101

10 Attorneys for Plaintiffs Maria Luisa Mejia, Elvira Mungia Lopez,
11 Maria Benavidez, and Martin Monter

12 JEFFREY D. WOHL (Cal. State Bar No. 096838)
13 JULLIE Z. LAL (Cal. State Bar No. 279067)
14 W. TUCKER PAGE (Cal. State Bar No. 306728)
15 PAUL HASTINGS LLP
101 California Street, 48th Floor
16 San Francisco, California 94111
Telephone: (415) 856-7000
17 Facsimile: (415) 856-7100
E-mail: jeffwohl@paulhastings.com
18 jullielal@paulhastings.com
tuckerpage@paulhastings.com

19 Attorneys for Defendants
20 Sodexo, Inc., and SDH Services West, LLC
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1 On July 9, 2018, a hearing was held on the joint motion Maria Benavides, Elvira Mungia
2 Lopez, Maria Luisa Mejia, and Martin Monter (collectively “Plaintiffs”) and defendants Sodexo,
3 Inc., and SDH Services West, LLC (collectively in the singular, “Sodexo”), for final approval of
4 their class settlement (the “Settlement”) and payment to the Settlement Administrator. Stan S.
5 Mallison and Joseph D. Sutton of Mallison & Martinez appeared for plaintiffs; and Jeffrey D.
6 Wohl, Jullie Z. Lal and W. Tucker Page of Paul Hastings LLP appeared for Sodexo.

7 The parties have submitted their Settlement, which this Court preliminarily approved by its
8 order entered on March 7, 2018. In accordance with the Preliminary Approval Order, Class
9 Members have been given notice of the terms of the Settlement and the opportunity to object to it
10 or to exclude themselves from its provisions.

11 Having received and considered the Settlement, the supporting papers filed by the parties,
12 and the evidence and argument received by the Court at the hearing before it entered the
13 Preliminary Approval Order and at the final approval hearing on July 9, 2018, the Court grants
14 final approval of the Settlement, and HEREBY ORDERS and MAKES DETERMINATIONS as
15 follows:

16 1. Pursuant to the Preliminary Approval Order, a Notice of Proposed Settlement,
17 Conditional Certification of Settlement Class, Preliminary Approval of Settlement, and Hearing
18 Date for Final Court Approval; a Claim Form; and an Election Not to Participate in Settlement
19 were sent to each Class Member by first-class mail. These papers informed Class Members of the
20 terms of the Settlement, their right to receive a Settlement Share, their right to object to the
21 Settlement or to elect not to participate in the Settlement and pursue their own remedies, and their
22 right to appear in person or by counsel at the final approval hearing and be heard regarding
23 approval of the Settlement. Adequate periods of time were provided by each of these procedures.
24 Zero Class Members filed written objections to the proposed Settlement as part of this notice
25 period or stated an intention to appear at the final approval hearing. The Court finds and
26 determines that this notice procedure afforded adequate protections to Class Members and provides
27 the basis for the Court to make an informed decision regarding approval of the Settlement based on
28 the responses of Class Members. The Court finds and determines that the notice provided in this

1 case was the best notice practicable and satisfied the requirements of law and due process.

2 2. In addition to the notice to the Class, pursuant to the Class Action Fairness Act of
3 2005, 28 U.S.C. § 1715 (“CAFA”), the Attorney General of the United States and the appropriate
4 state official in each state in which a Class Member resides have been given notice of the
5 Settlement. Pursuant to CAFA, not later than 10 days after the motion seeking preliminary
6 approval of the Settlement was filed with the Court, Sodexo served upon the appropriate state
7 official of each state in which a Class Member resides and the appropriate federal official a notice
8 of the Settlement consisting of: copies of the complaint in this action; a notice of the scheduled
9 judicial hearings in this class action; copies of the Settlement Agreement, proposed notices of class
10 action settlement and Class Members’ right to request exclusion from the class; and the names of
11 Class Members who reside in each state and the estimated proportionate share of the claims of
12 Class Members in each state to the entire Settlement. The notice of Settlement also invited
13 comment on the Settlement. The Court finds and determines that Sodexo’s notice of the Settlement
14 was timely, adequate, and compliant with the statutory requirements of CAFA. Accordingly, 28
15 U.S.C. section 1715(e) has no application to the Settlement.

16 3. For the reasons stated in the Preliminary Approval Order, the Court finds and
17 determines that the proposed Class, as defined in the definitions section of the Settlement and
18 conditionally certified by the Preliminary Approval Order, meets all of the legal requirements for
19 class certification, and it is hereby ordered that the Class is finally approved and certified as a class
20 for purposes of the Settlement.

21 4. The Court further finds and determines that the terms of the Settlement are fair,
22 reasonable and adequate to the Class and to each Class Member and that the Class Members who
23 did not timely submit valid elections not to participate in the Settlement in accordance with the
24 Settlement Agreement and the Preliminary Approval Order will be bound by the Settlement, that
25 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement
26 should be and hereby are ordered to be consummated.

27 5. The Court finds and determines that the Settlement Shares to be paid to the Class
28 Members who timely submitted valid claim forms, as provided for by the Settlement, are fair and

1 reasonable. The Court hereby grants final approval to and orders the payment of those amounts be
2 made to the Class Members who timely submitted valid claim forms out of the Net Settlement
3 Amount in accordance with the Settlement.

4 6. The Court finds and determines that the fees and expenses in administrating the
5 Settlement, in the amount of \$13,730.00, are fair and reasonable. The Court hereby gives final
6 approval to and orders that amount be paid out of the Maximum Settlement Amount in accordance
7 with the Settlement.

8 7. The Court determines by separate order the request by plaintiffs and Class Counsel
9 to the Class Representative Payments and the Class Counsel Fees and Expenses Payment.

10 8. Without affecting the finality of this order in any way, the Court retains jurisdiction
11 of all matters relating to the interpretation, administration, implementation, effectuation and
12 enforcement of this order and the Settlement.

13 9. Nothing in this order will preclude any action to enforce the parties' obligations
14 under the Settlement or under this order, including the requirement that Sodexo make payments to
15 the Class Members in accordance with the Settlement.

16 10. Upon completion of administration of the Settlement, the Settlement Administrator
17 will provide written certification of such completion to the Court and counsel for the parties.

18 11. Pursuant to the Settlement, plaintiffs and all Class Members who did not timely
19 submit valid elections not to participate are permanently barred from prosecuting against Sodexo,
20 and its parents, predecessors, successors, subsidiaries, affiliates, joint ventures, and trusts
21 (including all Sodexo Employers as defined in the Settlement), and all of its employees, officers,
22 agents, attorneys, stockholders, fiduciaries, other service providers, and related persons and
23 entities, and assigns, any of the claims released by them under the Settlement.

24 12. The parties are hereby ordered to comply with the terms of the Settlement.

25 13. The Court hereby enters final judgment in accordance with the terms of the
26 Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement filed
27 on March 7, 2018, and this order.

28 14. This document will constitute a final judgment (and a separate document

1 constituting the judgment) for purposes of Rule 58, Federal Rules of Civil Procedure.

2 The Parties will bear their own costs and attorneys' fees except as otherwise provided by
3 the Court's order granting the Class Counsel Fees and Expenses Payment.

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5 IT IS SO ORDERED.

6 Dated: July 31, 2018.

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/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

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