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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TORESSA LOCKETTE; an individual;
individually and on behalf of all other
similarly situated current and former
employees,

Plaintiff,

v.

ROSS STORES, INC., a Delaware
Corporation, ROSS DRESS FOR
LESS, INC., a Virginia Corporation,
and DOES 1-100,

Defendants.

Case No. CV 07-03430 MMC

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT;
GRANTING PLAINTIFF'S
MOTION FOR AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF
EXPENSES; AND GRANTING
CLASS REPRESENTATIVE
INCENTIVE AWARD

Hearing Date: March 6, 2009

Time: 9:00 am

Courtroom: 7, 19th Floor

Judge: Hon. Maxine M. Chesney

Complaint filed: June 29, 2007

Trial Date: None set

1 This matter comes to be heard for entry of a Final Approval Order
2 pursuant to the Joint Stipulation of Settlement, attached hereto as **Exhibit "1."** The
3 above captioned lawsuit is a class action brought by the plaintiff, Toressa Lockette
4 (hereinafter "Plaintiff"), represented by ^{Plaintiff's} ~~Plaintiffs~~ Counsel, against Defendants Ross
5 Stores, Inc. and Ross Dress For Less, Inc. (hereinafter "Defendants") (collectively
6 "the Parties").

7 The sole claim contained in the Lawsuit alleges that Defendants violated
8 the FLSA (29 U.S.C. § 201, et. seq.) by failing to provide persons employed in the
9 position of Assistant Manager outside the State of California overtime compensation
10 by classifying such individuals as exempt managerial employees.

11 Through her action, Plaintiff seeks damages in the form of unpaid wages
12 and liquidated damages, prejudgment interest and attorney's fees and costs, on behalf
13 of herself and persons who elect to opt-in to the proposed collective action pursuant to
14 29 U.S.C. § 216(b). Defendant denies that it has any liability toward Plaintiff or any
15 members of proposed opt-in class, and continues to assert that it has not violated the
16 FLSA.

17 On August 29, 2008, upon the request of the parties, this Court certified a
18 provisional collective action pursuant to 29 U.S.C. § 216(b), for purposes of this
19 Settlement only, as follows:

20 All persons who worked for Ross as an Assistant Store
21 Manager anywhere in the United States or United States
22 territories (with the exception of California) in the position
23 of Assistant Store Manager at any time within three years
24 of the date of this Order, as well as all persons in California
employed as Assistant Store Managers prior to April 1,
2007 whose claims were not released by the *Taylor*
litigation.

25 In accordance with the Order of this Court, the Settlement Administrator
26 affected the approved Notice of Settlement by way of first class mail on September
27 29, 2008, as is attested in the *Supplemental Declaration of Claims Administrator*
28 ("Admin. Decl."), at ¶3, attached hereto as **Exhibit "2."** Thereafter, on December 23,

1 2008, subsequent to approval by the Court, Supplemental Notice was mailed. *See*
2 *Admin Decl.*, at ¶5.

3 Based on such Notice, 1,263 eligible class members submitted “Consent
4 and Claim Forms.” *See Admin Decl.*, at ¶11. A list of these individuals is annexed to
5 the Declaration of Claims Administrator, as Exhibit A.

6 Moreover, no objections to the Settlement received by the Claims
7 Administrator [See *Admin Decl.*, at ¶12], or were lodged with the Court.

8 Upon review and consideration of the Joint Stipulation of Settlement,
9 upon consideration of the agreement of the Plaintiff, as representative of the proposed
10 opt-in Class, and of Defendants, to the terms and conditions of the Settlement, to settle
11 and dismiss the Lawsuit upon the terms set forth in the Joint Stipulation of Settlement;
12 and having conducted a hearing as to the good faith, fairness, reasonableness and
13 adequacy of the proposed Settlement, and also on the motion by Plaintiff for an award
14 of attorneys’ fees, reimbursement of expenses, and an award of class representative
15 enhancement,

16 NOW, therefore, upon the application of Plaintiff and Class Counsel, and
17 having heard arguments of counsel, the Court GRANTS the Motion for Final
18 Approval of Settlement and GRANTS ^{Plaintiff's} ~~Plaintiffs'~~ Fees Motion and ORDERS as
19 follows:

20 1. The terms of the Settlement Agreement constitute a fair and
21 reasonable resolution of a bona fide dispute under 29 U.S.C. § 201, et seq., and
22 therefore, are finally approved.

23 2. In accordance with Settlement Agreement, the Settlement Class
24 Members who submitted timely “Consent and Claim Forms”, as identified in **Exhibit**
25 **A** to the Declaration of Claims Administrator attached hereto, are hereby joined as
26 plaintiffs to the instant Action and shall be bound by the terms of Settlement, as well
27 as the provisions of the instant Order.

28 3. Upon entry of this Order, compensation to the Settlement Class

1 Members shall be effected pursuant to the terms of the Settlement Agreement.

2 4. The Class Administrator is directed to mail the "Notice of
3 Ineligibility", attached hereto as **Exhibit "3"**, to all individuals who are ineligible to
4 participate in the settlement of this matter (by virtue of their involvement in the *Taylor*
5 litigation) but submitted consent forms to the Class Administrator.

6 5. The Court AWARDS an incentive payment of \$5,000 to Toressa
7 Lockette to be paid from the Settlement Fund in accordance with the terms of the
8 Settlement Agreement.

9 6. The Court AWARDS Plaintiff's Counsel fees and the
10 reimbursement of expenses in the amount of \$396,000 to be paid from the Settlement
11 Fund in accordance with the terms of the Settlement Agreement.

12 7. Upon entry of this Order, all of the claims in the Lawsuit by the
13 named Plaintiff, Toressa Lockette, and all Settlement Class Members identified in
14 Exhibit A to the Declaration of Claims Administrator attached hereto, shall be and are
15 hereby dismissed with prejudice.

16 8. This Order is intended to be a final judgment disposing of this
17 entire Lawsuit and controversy, and is intended to be immediately appealable.

18 9. This Court shall retain jurisdiction with respect to all matters
19 related to the administration and consummation of the Settlement, and any and all
20 Claims, asserted in, arising out of, or related to the subject matter of the Lawsuit,
21 including but not limited to all matters related to the Settlement and the determination
22 of all controversies relating thereto.

23 IT IS SO ORDERED.

24 Dated: March 11, 2009


United States District Court Judge