

1 parties. The Court has considered the factors identified in *Dunleavy v. Nadler*, 213
2 F.3d 454, 458 (9th Cir. 2000) and *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th
3 Cir. 1998) and finds that the terms of the Settlement are fair, adequate, and
4 reasonable to the Class. In making this finding, the Court considered the nature of
5 the claims, the amounts and kinds of benefits to be paid in settlement, the
6 allocation of settlement proceeds among the class members, and the fact that a
7 settlement represents a compromise of the parties' respective positions rather than
8 the result of a finding of liability at trial. The Court further finds that the
9 Settlement was the product of serious, informed, non-collusive negotiations
10 conducted at arms' length by the parties and does not improperly grant preferential
11 treatment to any individual class member. Accordingly, the Court finds that the
12 Settlement was entered into in good faith.

13 2. The Court finds that Notice of Class Action Settlement was properly distributed to
14 Class Members and that the notice procedure met the requirements of due process
15 and provided the best notice practicable under the circumstances. The Court
16 approves the procedure that allowed Class Members to participate in, to opt out of,
17 and to object to the Settlement as set forth in the Notice.

18 3. The Court confirms the conditional certification of the Settlement Class
19 preliminarily certified by Order of February 20, 2009, in accordance with the
20 Stipulation and for the purpose of this Settlement only. The Court also confirms
21 Rukin Hyland Doria & Tindall LLP and the Law Offices of Ellyn Moscovitz as
22 Class Counsel. The Court approves the two opt-out requests received by the
23 Claims Administrator, CPT Group, Inc. (and attached as exhibits to the
24 declaration previously filed by the CPT Group representative) and finds that these
25 two Conam employees have properly excluded themselves from the Class.

26 4. Pursuant to the terms of the Settlement, and the authorities, evidence, and
27 argument submitted by Class Counsel, the Court hereby awards Class Counsel

1 attorneys' fees in the amount of \$437,500 and litigation costs in the amount of
2 \$22,966.96, to be paid from the Settlement Fund, as final payment for attorneys'
3 fees and costs incurred by or owed to Class Counsel. The Court finds the award of
4 attorneys' fees to be supported by both methods used in awarding attorneys'
5 fees—the lodestar/multiplier method and the percentage-of-the-fund method. The
6 Court finds further that the litigation costs were reasonably incurred and should be
7 reimbursed to Class Counsel in addition to the attorneys' fees awarded.

8 5. The Court finds the Claims Administrator's (CPT Group, Inc.'s) fees of
9 \$19,449.28 in administering the Settlement are reasonable.

10 6. The Court hereby approves and orders service payments in the amount of \$10,000
11 to Class Representatives Gerald Lee and Steve Taylor. These payments are made
12 to recognize these Plaintiffs' service to the Class and the risk they undertook in
13 bringing the action.

14
15 **IT IS SO ORDERED.**

16 6/19/09
17 Date: _____



Hon. Susan Illston
United States District Court Judge