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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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6 NAMARAJ KHATRI,

7 Plaintiff,

8 v.

9 INTERCONTINENTAL HOTELS
10 GROUP RESOURCES, INC., et al.,

11 Defendants.

Case No. 15-cv-00036-TEH

**ORDER GRANTING MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
MOTION FOR ATTORNEY FEES
AND COSTS**

12 Plaintiff's Motion for Final Approval of Class Action Settlement and Motion for
13 Award of Class Representative Service Payment, Settlement Administration Expenses and
14 Attorneys' Fees and Costs came on for hearing before this Court on April 3, 2017 at 10:00
15 a.m., the Honorable Thelton E. Henderson presiding. The Court having considered the
16 Joint Stipulation of Class Action Settlement ("Joint Stipulation") (ECF No. 39-1 at 22) and
17 all exhibits thereto attached as Exhibit A to the Declaration of Ronald H. Bae submitted in
18 support of Plaintiff's Motion for Final Approval, all papers submitted in support of both
19 motions, and all oral and written comments received regarding the proposed settlement,
20 and having reviewed the record in this action, and good cause appearing therefor,

21 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

22 1. For purposes of this Order, the Court adopts all defined terms as set forth in
23 the Joint Stipulation.

24 2. The Court has jurisdiction over the subject matter of this litigation and over
25 all parties to this litigation, including the Class Representative, the Class Members, and
26 Defendants.

27 3. The Court hereby grants the Motion for Final Approval, approves the terms
28 of the settlement outlined in the Joint Stipulation, and finds that the settlement is, in all

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1 respects, fair, adequate and reasonable and in the best interests of the Class and each Class
2 Member, based on the following factors:

- 3 a. The strength of Plaintiff's case in relation to the amount offered in settlement;
- 4 b. The risk, expense, complexity, and likely duration of further litigation;
- 5 c. The risk of maintaining class action status throughout the trial;
- 6 d. The extent of discovery completed and the stage of the proceedings;
- 7 e. The experience and views of counsel;
- 8 f. The reaction of the class members to the proposed settlement; and
- 9 g. The fact that the settlement was reached after extensive arm's length
10 negotiation conducted in good faith by the parties with the assistance of an
11 experienced mediator.

12 4. As previously ruled in the Court's Order Granting Preliminary Approval
13 (ECF No. 44), the Class, for settlement purposes only, satisfies the requirements for a Rule
14 23 settlement class, and is defined as follows:

15 All non-exempt, hourly paid employees who worked for any of
16 the Defendants InterContinental Hotels Group Resources, Inc.,
17 IHC of San Francisco, Inc., or IHG Management (Maryland)
18 LLC at the InterContinental San Francisco, InterContinental
19 Mark Hopkins, or InterContinental Los Angeles Century City
20 hotels at any time between November 26, 2010 and the date of
21 preliminary approval, and who were required to wear uniforms
22 and undergo security bag checks.

23 5. The Court finds that distribution of the Notice to Class Members in the
24 manner and form required has been completed in accordance with this Court's Order
25 Granting Preliminary Approval and the terms of the Joint Stipulation, constituted the best
26 notice practicable under the circumstances, provided due and adequate notice of the
27 proceedings and the matters herein, including the proposed settlement, to all persons
28 entitled to such notice, and the Notice fully satisfied the requirements of due process and
Rules 23(d) and (e) of the Federal Rules of Civil Procedure.

6. The Court acknowledges that no Class Member objected to the settlement, as
of the last reporting by the Settlement Administrator on February 16, 2017.

1 7. The Court acknowledges that six class members requested exclusion from
2 the settlement and, accordingly, are not bound by the terms of the Joint Stipulation. The
3 Settlement Administrator has filed with the Court a list identifying the six Class Members
4 who timely and properly excluded themselves from the settlement.

5 8. The Court hereby grants the Motion for Award of Class Representative
6 Service Payment, Settlement Administrator’s Expenses and Attorneys’ Fees and Costs.
7 Accordingly, the Court awards Class Counsel the requested attorneys’ fees in the amount
8 of \$273,000, as well as the costs actually incurred during the litigation in the amount of
9 \$11,404.47. The Court awards a service payment in the amount of \$10,000 to the Class
10 Representative to compensate him for his services and providing a general release with a
11 waiver of California Civil Code § 1542. The Court approves the payment of settlement
12 administration costs in the amount of \$31,569 to the Settlement Administrator, Simpluris,
13 Inc.

14 9. In full compliance with the requirements of 28 U.S.C. § 1715(b), Defendants
15 provided notice of the settlement to (a) the Attorney General of the United States of
16 America and (b) to the appropriate state office (as that term is defined in 28 U.S.C. §
17 1715(a)(2)) of every state in which a Class Member resides. As further required under 28
18 U.S.C. § 1715(d), more than 90 days have elapsed since the service of such notices.
19 Neither the Attorney General of the United States nor any appropriate state official has
20 served written objection to the settlement or appeared at the hearing to object to the
21 settlement.

22 10. The Court hereby approves of the cy pres recipients designated by the parties
23 in the Joint Stipulation to receive the residuals and authorizes the Settlement Administrator
24 to make such distributions.

25 11. The Court hereby directs the parties to effectuate the settlement according to
26 the terms set forth in the Joint Stipulation and this Order.

27 12. Without affecting the finality of this Order, the Court hereby retains
28 continuing jurisdiction over the settlement fund, the settling parties, the Class Members

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and distribution of the settlement fund, and any other matters involving the implementation of the terms in the Joint Stipulation.

IT IS SO ORDERED.

Dated: 4/3/17



THELTON E. HENDERSON
United States District Judge