

GRAHAM HOLLIS APC
3555 FIFTH AVENUE SUITE 200
SAN DIEGO, CALIFORNIA 92103

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JESSICA JIMENEZ and ORLANDO MIJOS, individually and on behalf of all other current and former similarly situated California employees of Defendants,

Plaintiffs,

v.

MENZIES AVIATION, INC., MENZIES AVIATION GROUP (USA), INC., and DOES 1 THROUGH 10, inclusive

Defendants.

Case No.: 15-CV-02392-WHO

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT; AN AWARD OF ATTORNEY'S FEES AND COSTS, AND CLASS REPRESENTATIVE INCENTIVE AWARD

Date: January 3, 2018
Time: 2:00 p.m.
Judge: Hon. William H. Orrick
Location: Courtroom 2, 17th Floor

Complaint Filed: June 2, 2010
Trial Date: April 24, 2017

CASE No. 15-CV-02392-WHO

ORDER

1 The Court has before it Plaintiffs’ unopposed motion for final approval of a proposed class
2 action settlement and attorneys’ fees. After reviewing the Motion for Final Approval and the Stipulation
3 of Settlement and Release (“Stipulation of Settlement”) filed with the Court, the Court hereby finds and
4 orders as follows:

5 1. This Court has jurisdiction over the claims of the Class Members asserted in this
6 proceeding and over all parties to the action.

7 2. The Court finds that zero (0) Class Members have objected to the Settlement and the
8 following two (2) Class Members have requested exclusion from the Settlement and the Court accepted
9 their request for exclusion: Leonardo Mah and Yomara Acosta. The Court allows these two Class
10 Members to be excluded from the settlement.

11 3. For the reasons set forth in the Preliminary Approval Order and in the transcript of the
12 Final Approval hearing, which are adopted and incorporated herein by reference, this Court finds that
13 the applicable requirements of Federal Rule of Civil Procedure 23 have been satisfied with respect to the
14 Class and the proposed Settlement. The Court hereby makes final its earlier provisional certification of
15 the Vacation Class and Waiting Time Penalty Class (collectively, “the Class” and “Class Members”), as
16 set forth in the Preliminary Approval Order.

17 4. The Court finds that the Stipulation of Settlement is fair, adequate, and reasonable, and
18 falls within the range of reasonableness, and consistent and in compliance with all the requirements of
19 Federal Rule of Civil Procedure 23.

20 5. The Notice given to the Class Members fully and accurately informed the Class Members
21 of all material elements of the proposed Settlement and of the Class Members’ opportunity to object to
22 or comment thereon; was the best notice practicable under the circumstances; was valid, due and
23 sufficient notice to all Class Members; and complied fully with the Federal Rules of Civil Procedure, the
24 United States Constitution, due process and other applicable law. The Notice fairly and adequately
25 described the Settlement and provided Class Members adequate instructions and means to obtain
26 additional information. A full opportunity has been afforded to the Class Members to participate in the
27 final approval hearing, and all Class Members and other persons wishing to be heard have been heard.
28 Accordingly, the Court determines that all Class Members who did not timely and properly execute a

1 request for exclusion are bound by this Order and the Judgment.

2 6. The Court hereby grants final approval to the Settlement and finds it reasonable and
3 adequate, and in the best interests of the Class as a whole. Accordingly, the Court hereby directs that the
4 Settlement be effected in accordance with the Stipulation of Settlement and the following terms and
5 conditions:

6 a. It is hereby ordered that the Settlement Administrator shall pay the Individual
7 Settlement Payments pursuant to the method of calculation set forth in the Stipulation of Settlement.

8 b. It is hereby ordered that the Settlement Administrator shall pay the Service
9 Payment of \$10,000.00 to Named Plaintiff Sara Wright, \$6,500.00 to Named Plaintiff Jessica Jimenez
10 and \$3,500.00 to Named Plaintiff Orlando Mijos because the Court finds the Service Payment is fair and
11 reasonable for the work she provided to the Class and Class Counsel.

12 c. It is hereby ordered that the Settlement Administrator shall pay the Fee and
13 Expense Award of \$416,666.66, plus \$199,030.47 in actual costs, to Class Counsel because Class
14 Counsel's request falls within the range of reasonableness and the result achieved justified the award.
15 Class Counsel's actual expenses in prosecuting this Lawsuit are hereby approved as reasonably incurred.

16 d. It is hereby ordered that the Settlement Administrator shall pay the PAGA
17 Payment of \$20,000.00 as set forth in the Stipulation of Settlement. Of this amount, 75%, or \$15,000.00
18 will be paid to the Labor and Workforce Development Agency and 25% or \$5,000.00 will be distributed
19 to Class Members pursuant to the terms of the Settlement.

20 e. It is hereby ordered that the Settlement Administrator shall be paid
21 Administration Costs of \$55,000.00 for its services in administering the Settlement.

22 7. The Settlement Administrator shall be responsible for the timely filing of all federal, state
23 and local tax returns and making the timely payment of any and all taxes and withholdings required with
24 such returns. All payroll taxes are to be paid by the Settlement Administrator in accordance with the
25 terms of the Settlement, and paid not later than the time specified by law or agency regulation.

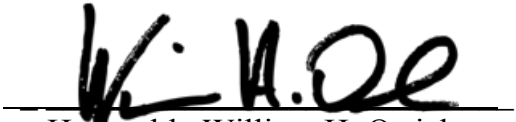
26 8. The Court adjudges that upon the Effective Date, Plaintiff and the Class Members have
27 fully, finally, and conclusively compromised, settled, and released any and all Released Claims as
28 provided in the Settlement Agreement. With this final approval of the Settlement, it is hereby ordered

1 that all claims that are released as set forth in the Stipulation of Settlement are hereby barred.

2 9. Without affecting the finality of this Order for purposes of appeal, the Court reserves
3 jurisdiction over the Parties as to all matters relating to the administration, consummation, enforcement,
4 and interpretation of the terms of the Settlement and this Order and Judgment, and for any other
5 necessary purposes.

6 **IT IS SO ORDERED.**

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8 DATED: January 4, 2018

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Honorable William H. Orrick

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