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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MARIO L. ORSOLINI and ANDREW M. LEVINE,

Plaintiffs,

vs.

MEAD CLARK LUMBER CO. AKA  
MEAD CLARK LUMBER COMPANY,  
INC., and RANDAL J. DESTRUDEL,

Defendants.

Case No. C-10-04478 SBA

**ORDER GRANTING FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT;  
ATTORNEYS' FEES, COSTS, AND  
INCENTIVE AWARDS TO NAMED  
PLAINTIFFS; AND ENTRY OF  
FINAL JUDGMENT**

13           The Parties,<sup>1</sup> having filed their Stipulation and Agreement of Settlement (“Settlement”)  
14 on March 16, 2012, the terms of which are incorporated in their entirety by this reference, and  
15 upon consideration of Plaintiffs’ Unopposed Motion for Final Approval of Class Action  
16 Settlement and Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Incentive Awards to Named  
17 Plaintiffs, and supporting memoranda and declarations (collectively, the “Motions”);

18           The Court having entered an Order Preliminarily Approving Class Action Settlement,  
19 Directing Notice to Class, and Setting Final Approval and Fairness Hearing (the “Preliminary  
20 Approval Order”) on April 17, 2012 (Dkt. No. 43), which specified the manner in which Class  
21 Counsel was to provide notice of the proposed Settlement to the Class and scheduled a hearing at  
22 which the Court would determine whether to approve the Settlement;

23           The Court having found that the Class received valid, due, and sufficient notice in  
24 conformity with the requirements of Rule 23 of the Federal Rules of Civil Procedure;

25           A Final Approval and Fairness Hearing having been held on July 24, 2012, at which all  
26 interested persons were given a full opportunity to object to, or be heard regarding, the  
27 Settlement, and the Court having read and fully considered all submissions made in connection

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<sup>1</sup> The initial capitalization of a term indicates its usage as defined in the Settlement.

1 with the proposed Settlement;

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

3 1. The Court has jurisdiction over the Litigation and over all Parties in the Litigation  
4 pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 1132(e).

5 2. In accordance with the Court's Preliminary Approval Order, notice was timely  
6 given by mail to all members of the Class who could be identified and whose addresses could be  
7 ascertained with reasonable effort. The form and manner of delivery to the Class met the  
8 requirements of Rule 23 and due process, constituted the best notice practicable under the  
9 circumstances, and constituted due and sufficient notice to all members of the Class.

10 3. The motion for final approval of the Settlement is hereby GRANTED. The Court  
11 has reviewed the Settlement, the Settlement Fund of \$800,000, and all related terms and  
12 conditions, and finds them fair, reasonable, and adequate in all respects. The parties to the  
13 Settlement are authorized and directed to consummate the Settlement and to perform under the  
14 terms of the Settlement. The Litigation is dismissed on the merits with prejudice. This dismissal  
15 shall and does include any and all claims that were asserted in the Complaint, or are expressly  
16 covered by the Settlement.

17 4. Named Plaintiffs and each of the Class Members, individually and on behalf of  
18 the Releasing Persons, fully, completely, and finally settle and discharge the Settled Claims.

19 5. The Named Plaintiffs and each and every Class Member shall be bound by the  
20 Settlement, shall have exclusive recourse to the benefits, rights, and remedies provided by the  
21 Settlement regarding the Settled Claims, and shall be precluded from pursuing any other action,  
22 demand, suit or other claim, in any judicial or administrative forum whatsoever, against the  
23 Released Persons with respect to the Settled Claims.

24 6. The Mead Clark Lumber Co. 401(k) Profit Sharing Plan (the "Plan") shall be  
25 deemed to have fully, completely, and finally settled and discharged the Released Claims. The  
26 Plan shall be bound by the Settlement, shall have exclusive recourse to the benefits, rights, and  
27 remedies provided by the Settlement, and shall be precluded from pursuing any other action,  
28 demand, suit, or other claim, in any judicial or administrative forum whatsoever, against the

1 Released Persons with respect to the Settled Claims.

2 7. Defendants shall implement the Settlement in accordance with Paragraphs 2.e,  
3 9.d-g, and 10 of the Settlement.

4 8. The Plan of Allocation preliminarily approved by the Court and described in the  
5 Settlement Notice is hereby APPROVED.

6 9. Luckhardt Benefit Consultants, the Plan's current third-party administrator, will  
7 distribute the Net Settlement Amount according to the Plan of Allocation.

8 10. The request for incentive awards to each of the Named Plaintiffs, to be paid from  
9 the Settlement Amount, is hereby GRANTED in the amount of \$5,000 each. In accordance with  
10 the terms of the Settlement, such incentive awards shall be paid within fifteen calendar days of  
11 Effective Final Approval.


12 11. For the reasons set forth in Plaintiffs' motion for an award of attorneys' fees and  
13 reimbursement of litigation costs, that motion is hereby GRANTED and Class Counsel is  
14 awarded \$200,000 in attorneys' fees and \$23,780.03 in costs, to be paid from the Settlement  
15 Amount. In accordance with the terms of the Settlement, such awards of attorneys' fees and  
16 reimbursement of litigation costs shall be paid within fifteen calendar days of Effective Final  
17 Approval.

18 12. The Court reserves jurisdiction over all parties for the purpose of taking any  
19 actions as may be necessary to administer, implement, or enforce the Settlement and this Order.

20 There is no just reason for delay in the entry of this Order Granting Final Approval of  
21 Class Action Settlement; Attorneys' Fees, Costs, and Incentive Awards to Named Plaintiffs; and  
22 Entry of Final Judgment. The Clerk of the Court is directed to enter final judgment in this action  
23 pursuant to Rule 58.

24  
25 IT IS SO ORDERED.

26 Dated: 7/24/12\_\_\_\_\_

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Hon. Sandra B. Armstrong  
United States District Judge