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 12 LOVELESS

13 UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 KIMBERLY MCCLELLAN and  
 16 LAURA LOVELESS, individually and  
 17 on behalf of all others similarly situated,  
 18  
 19 Plaintiffs,

20 v.

21 SFN GROUP, INC., SFN  
 22 PROFESSIONAL SERVICES, LLC,  
 23 and SPHERION ATLANTIC  
 24 ENTERPRISES, LLC, all doing  
 25 business as SPHERION, and  
 26 SPHERION, a business form unknown,  
 27 and DOES 1 through 100, inclusive,  
 28 Defendants.

Case No. C10-05972 SBA

[Former Alameda Superior Court, Case No. RG10548294]

**[PROPOSED] ORDER GRANTING  
 FINAL APPROVAL OF  
 SETTLEMENT OF SUBCLASS  
 AND DISMISSAL OF SUBCLASS  
 ALLEGATIONS; ATTORNEYS'  
 FEES, COSTS, AND INCENTIVE  
 AWARD TO NAMED PLAINTIFF;  
 AND ENTRY OF FINAL  
 JUDGMENT**

Hearing Date: October ~~18~~ 16, 2012  
 Time: 1:00 p.m.  
 Courtroom: 1

1 The parties, having filed their Stipulation of Settlement and Release Between  
2 Plaintiffs and Defendants (“Settlement”) on April 17, 2012, the terms and  
3 definitions of which are incorporated in their entirety by this reference, and upon  
4 consideration of Plaintiffs’ unopposed Motion for Final Approval of Class Action  
5 Settlement and Plaintiffs’ unopposed Motion for Attorneys’ Fees, Costs, and  
6 supporting memoranda and declarations (collectively, the “Motions”);

7 The Court having entered an Order Granting Plaintiffs’ unopposed Motion for  
8 Preliminary Approval (the “Preliminary Approval Order”) on June 21, 2012, which:

9 (a) certified a subclass comprised of current and former employees of  
10 Defendants in California during the class period (November 24, 2006 to February  
11 11, 2012), with the job titles of Client Service Representative, Client Service  
12 Specialist/Supervisor, Client Service Manager, and similar or equivalent  
13 designations as defined in Plaintiffs’ First Amended Complaint (the “Settlement  
14 Subclass”);

15 (b) dismissed without prejudice the subclass comprised of all current and  
16 former employees of Defendants in California during the class period with the job  
17 titles of Branch Manager, On-Premises Manager, or similar or equivalent  
18 designations as defined in Plaintiffs’ First Amended Complaint (the “Dismissed  
19 Subclass”);

20 (c) appointed Plaintiff McClellan as Class Representative for the Settlement  
21 Subclass;

22 (d) appointed Randall Crane, Law Offices of Randall Crane, as counsel for  
23 the Settlement Subclass;

24 (e) appointed CPT Group, Inc., as claims administrator;

25 (f) directed the form and distribution of a notice packet to Settlement Subclass  
26 Members; and

27 (g) ordered an implementation schedule for further proceedings, including  
28 scheduling a final approval hearing;

1 The Court having found that the Settlement Subclass received valid, due, and  
2 sufficient notice in conformity with the requirements of Rule 23 of the Federal  
3 Rules of Civil Procedure;

4 A Final Approval and Fairness Hearing having been held on October ~~1816~~,  
5 2012, at which all interested persons were given a full opportunity to object to, or be  
6 heard regarding, the Settlement, and the Court having read and fully considered all  
7 submissions made in connection with the proposed Settlement;

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

9 1. The Court has jurisdiction over the litigation and over all parties in the  
10 litigation.

11 2. In accordance with the Court's Preliminary Approval Order, notice was  
12 timely given by mail to all members of the Settlement Subclass who could be  
13 identified and whose addresses could be ascertained with reasonable effort. The  
14 form and manner of delivery to the Settlement Subclass met the requirements of  
15 Rule 23 and due process, constituted the best notice practicable under the  
16 circumstances, and constituted due and sufficient notice to all members of the  
17 Settlement Subclass.

18 3. The motion for final approval of the Settlement is hereby GRANTED. The  
19 Court has reviewed the Settlement, the Settlement Amount of \$550,000, and all  
20 related terms and conditions, and finds them fair, reasonable, and adequate in all  
21 respects. The parties to the Settlement are authorized and directed to consummate  
22 the Settlement and to perform under the terms of the Settlement. The litigation is  
23 dismissed on the merits with prejudice as to Named Plaintiffs and the Settlement  
24 Subclass. This dismissal shall and does include any and all claims that were  
25 asserted in the Complaint, or are expressly covered by the Settlement.

26 4. The litigation is dismissed without prejudice as to the Dismissed Subclass.

27 5. Named Plaintiffs and each of the Settlement Subclass Members, individually  
28 and on behalf of the Releasees, fully, completely, and finally settle and discharge the

1 Settled Claims.

2 6. The Named Plaintiffs and each and every Settlement Subclass Member shall  
3 be bound by the Settlement, shall have exclusive recourse to the benefits, rights, and  
4 remedies provided by the Settlement regarding the Settled Claims, and shall be  
5 barred from prosecuting against Releasees any individual or class claims related to  
6 the factual allegations underlying the Settled Claims, including without limitation  
7 any claims arising out of the acts, facts, transactions, occurrences, representations,  
8 or omissions set forth in this action through the date of the final approval of this  
9 settlement upon satisfaction of all payments and obligations hereunder.

10 7. Defendant shall deposit into an account, through CPT Group, Inc., the  
11 Settlement Fund as set forth in the Settlement.

12 8. CPT Group, Inc., shall pay all claims, and Court-approved attorney's fees,  
13 costs, and the payment to Plaintiff McClellan as set forth in the Settlement.

14 10. The request for incentive awards to Named Plaintiff McClellan, to be paid  
15 from the Settlement Amount, is hereby GRANTED in the amount of \$5,000  
16 ~~\$10,000~~, and shall be distributed in accordance with the terms of the Settlement.

17 11. For the reasons set forth in Plaintiffs' motion for an award of attorneys' fees  
18 and reimbursement of litigation costs, that motion is hereby GRANTED and Class  
19 Counsel is awarded \$137,500 ~~\$165,000~~ in attorneys' fees and \$10,553.40 in costs,  
20 to be paid from the Settlement Amount, and shall be distributed in accordance with  
21 the terms of the Settlement.

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1 12. The Court reserves jurisdiction over all parties for the purpose of taking any  
2 actions as may be necessary to administer, implement, or enforce the Settlement and  
3 this Order. There is no just reason for delay in the entry of this Order Granting Final  
4 Approval of Settlement of Subclass and Dismissal of Subclass Allegations;  
5 Attorneys' Fees, Costs, and Incentive Award to Named Plaintiff; and Entry of Final  
6 Judgment. The Clerk of the Court shall close the file and terminate the action.  
7 IT IS SO ORDERED.

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9 Dated: 10-26-12

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13 Hon. Sandra Brown Armstrong  
14 United States District Judge  
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