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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW BELL, on behalf of himself and
all others similarly-situated,

Plaintiffs,

v.

DELTA AIR LINES, INC.; and DOES 1
TO 10, inclusive,

Defendants.

CASE NO. 13-CV-01199-YGR

~~PROPOSED~~ ORDER AND JUDGMENT
GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, SERVICE AWARD,
CLASS ADMINISTRATION FEES, AND
ATTORNEYS' FEES & COST

AS MODIFIED BY THE COURT

1 The Court, having granted preliminary approval of class action settlement on July 22,
2 2014, directed notice of the proposed settlement to all Class Members, considered Plaintiff's
3 Motion for Final Approval of Settlement and accompanying declarations and Plaintiff's Motion
4 for Attorneys' Fees and Expenses and accompanying declarations, and conducted a fairness
5 hearing on October 14, 2014, and with GOOD CAUSE APPEARING, this Court **HEREBY**
6 **ORDERS THE FOLLOWING:**

7 1. The provisions of the Settlement Agreement are hereby finally approved. The
8 Court finds that the Settlement appears to be fair, adequate, and reasonable to the Class.

9 2. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3), and for purposes
10 of, and solely in connection with the Settlement, the Court finds that each of the requirements for
11 certification of the class are met and hereby certifies the following settlement class:

12 **All Ready Reserve Employees who were employed by Defendant, in**
13 **California, beginning March 18, 2009 through March 17, 2014.**

14 3. The Court confirms the appointment and designation of named Plaintiff Andrew
15 Bell as Class Representative.

16 4. The Court confirms the appointment and designation of Duckworth Peters
17 Lebowitz Olivier LLP and the Law Offices of Deborah C. England as Class Counsel.

18 5. The Court confirms the appointment and designation of Dahl Administration, Inc.
19 as the Settlement Administrator in this case.

20 6. The Court hereby finds that the Notice of Settlement, which has been mailed to all
21 class members as previously ordered by the Court, described the terms of the proposed Settlement
22 Agreement, provided the date of the fairness hearing, the manner in which class members could
23 object to or participate in the settlement, and the manner in which class members could opt out of
24 the class. The Court finds that it was the best notice practicable under the circumstances, and
25 complied fully with Federal Rule of Civil Procedure 23(c)(2)(B) and 23(e)(1), due process and all
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1 other applicable laws. The Court further finds that a full and fair opportunity has been afforded to
2 all class members to participate in the proceedings convened to determine whether the proposed
3 Settlement Agreement should be given final approval. Accordingly, the Court hereby determines
4 that all class members who did not file a timely and proper request to be excluded from the
5 settlement are bound by this final Order.
6

7 7. The Court finds that the Settlement Agreement is fair, reasonable, and adequate, is
8 the product of good faith, arm's-length negotiations between the parties, and fully complies with
9 all applicable provisions of law. Accordingly, the Court hereby finally and unconditionally
10 approves the Settlement Agreement. Specifically:

11 a. Approves the Settlement Fund of \$1,415,444 as provided for in the
12 Stipulation of Settlement.

13 b. Approves that \$10,000 of the Settlement Fund be allocated to resolve
14 PAGA claims, and that under Labor Code section 2699(i), 75% of that amount, or \$7,500,
15 will be paid to the California Labor and Workforce Development Agency;
16

17 c. Approves the Named Plaintiff and Class Representative Andrew Bell's
18 requested service award of \$7,500, which is justified by the time and effort expended by
19 Plaintiff on behalf of the class and risk he assumed in bringing this action;
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21 d. Approves Class Counsel's attorneys' fee request of \$353,861 as 25% of the
22 \$1,415,444 common fund settlement amount, finding that this amount is below Class
23 Counsel's lodestar without any multiplier, and finding no reason to depart from the 25%
24 benchmark within the Ninth Circuit;

25 e. Approves Class Counsel's request for reimbursement of litigation expenses
26 of \$15,576.04;
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f. Approves payment to Dahl Administration, Inc. of \$13,367 as costs and expenses of settlement administration;

g. Approves payment from the settlement fund of amounts determined by the Settlement Administrator to be due to class members who did not opt out, as specified in the Joint Stipulation of Settlement.

h. This Order shall have a *res judicata* effect and bar each Plaintiff and each settlement class member from bringing any action asserting “Released Claims” as the term is defined in the Joint Stipulation of Settlement.

i. This Court shall retain jurisdiction **for one year** to enforce the terms of the Joint Stipulation of Settlement. In all other respects, the action is dismissed.

This Order terminates Docket Nos. 59 and 62.

IT IS SO ORDERED AND ADJUDGED.

DATED: November 20, 2014

By: 

HON. YVONNE GONZALEZ ROGERS

U.S. District Court, Northern District of California