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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MAURICE B. DRISCOLL, MARCIANO  
C. CANATE, JR., DERRICK KIBLER,  
CHARLES E. KING, JR., EARL J.  
MALVINI, AND YVONNE E.  
SANCHEZ, Individually and on behalf of a  
Class and other similarly situated,

Plaintiffs,

v.

LOCKHEED MARTIN CORPORATION,  
Does 1-10,

Defendants.

Case No. 09-CV-00439 RMW

**ORDER GRANTING FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT AND  
FOR FINAL CERTIFICATION OF  
SETTLEMENT CLASS**

1 On September 17, 2020, a hearing was held on the parties' joint motion for final  
2 approval of the parties' proposed class action settlement. Emily Rich of Weinberg, Roger &  
3 Rosenfeld, appeared for Plaintiffs, and Todd K. Boyer of Littler Mendelson, appeared for Defendant,  
4 Lockheed Martin Corporation ("Lockheed Martin").

5 The parties have previously filed with this Court their Stipulation of Class Action  
6 Settlement (the "Settlement"). This Court preliminarily approved the Settlement in its April 27,  
7 2010 Order. In accordance with the preliminary approval order, Class Members have been given  
8 notice of the terms of the Settlement and the opportunity to object to it or to exclude themselves  
9 from its provisions. Only 14 of the 265 Class Members opted out of the class, 41 filed disputes, of  
10 which 36 were invalid and no Class Members objected to the Settlement.

11 Defendant has certified that it mailed out the notice required by the Class Action  
12 Fairness Act ("CAFA") on March 10, 2010. As CAFA provides that "[a]n order giving final  
13 approval of a proposed settlement may not be issued earlier than 90 days after the requisite notice is  
14 provided," 28 U.S.C. § 1715(d), thus the requisite time has passed since service of the notice for this  
15 Court to issue this Order.

16 Having received and considered the proposed Settlement, the supporting papers filed  
17 by the parties, including the Declarations of Emily Rich, Todd K. Boyer and Tony Dang in Support  
18 of the Joint Motion for Final Approval of Class Action Settlement, the evidence previously received  
19 by the Court pursuant to the Joint Motion And Motion For Order (1) Conditionally Certifying  
20 Settlement Class; (2) Preliminarily Approving Class Action Settlement; (3) Directing Distribution  
21 Of Class Notice; and (4) Setting Hearing For Final Approval Of Settlement filed on March 12, 2010,  
22 and the final approval hearing on September 10, 2010, the Court GRANTS FINAL APPROVAL to  
23 the Settlement and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

24 1. Pursuant to this Court's April 27, 2010 order, a Notice of Class Action  
25 Settlement and the Settlement Estimate and Dispute Form were sent to each class member by first-  
26 class mail. This notice informed class members of the terms of the Settlement, their right to opt out  
27 of the class and pursue their own remedies, their opportunity to file written objections, and their right  
28 to appear in person or by counsel at the final approval hearing and be heard regarding approval of

1 the settlement. Adequate periods of time were provided by each of these procedures. No Class  
2 Members filed written objections to the proposed settlement as part of this notice process or stated  
3 an intent to appear at the final approval hearing.

4           2.       The Court finds and determines that this notice procedure afforded adequate  
5 protections to class members and provides the basis for the Court to make an informed decision  
6 regarding approval of the settlement based on the responses of class members. The Court finds and  
7 determines that the notice provided in this case was the best notice practicable, which satisfied the  
8 requirements of federal law and due process.

9           3.       For the reasons stated in the Court's April 27, 2010, preliminary approval  
10 order, the Court finds and determines that the proposed Settlement Class, as defined in the  
11 Settlement, meets all of the legal requirements for class certification, and it is hereby ordered that the  
12 Settlement Class is finally approved and certified as a class for purposes of settlement of this action.  
13 Likewise, Class Counsel is also approved as are the Class Representatives.

14           4.       The Court finds that no class member has objected to the terms of the  
15 settlement. The Court further finds and determines that the terms of the Settlement are fair,  
16 reasonable and adequate to the class and to each class member and that the Class Members who have  
17 not opted out will be bound by the Settlement, that the Settlement is ordered finally approved, and  
18 that all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

19           5.       The Court finds and determines that the payments to be made to the  
20 Settlement Class Members as provided for in the Settlement are fair and reasonable. The Court  
21 gives final approval to and orders the payment of those amounts be made in accordance with the  
22 terms of the Settlement.

23           7.       The Court finds and determines that the payment of \$2,500 to Class  
24 Representatives Maurice B. Driscoll, Marciano C. Canate, Jr., Derrick Kibler, Charles E. King, Jr.,  
25 Earl J. Malvini, and Yvonne E. Sanchez, as an enhanced Enhancement Award is fair and reasonable.  
26 The Court gives final approval to and orders that the payment of that amount be paid to the Class  
27 Representatives out of the Maximum Settlement Consideration in accordance with the terms of the  
28 Settlement.

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8. The Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation and enforcement of this order and the Settlement.

9. Nothing in this order will preclude any action to enforce the parties' obligations under the Settlement or under this order.

10. Upon completion of administration of the settlement, the Claims Administrator will provide written certification of such completion to the Court and counsel for the parties.

11. Upon satisfaction of all payments and obligations under the Settlement Agreement and under this order, all Settlement Class Members who did not opt out, are permanently barred from prosecuting against Defendant Lockheed Martin Corporation and each of its past or present officers, directors, shareholders, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, insurers and reinsurers, and its and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys and each of their employee benefit plans, and all of their respective officers, directors, employees, administrators, fiduciaries, trustees and agents, any of the individual or class claims released as set forth in the Settlement.

The parties are hereby ordered to comply with the terms of the Settlement.

**IT IS SO ORDERED.**

Dated: September 17, 2010

RONALD M. WHYTE, UNITED STATES  
DISTRICT COURT JUDGE

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**Approved as to Form:**

Dated: August 6, 2010

//s// Todd K. Boyer  
TODD K. BOYER  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
LOCKHEED MARTIN CORPORATION

Dated: August 6, 2010

//s// Emily P. Rich  
EMILY P. RICH  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
Attorneys for Plaintiffs  
MAURICE B. DRISCOLL, ET AL.

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