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E-filed: September 26, 2012

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LUIS SANDOVAL; ISREAL
RODRIGUEZ; CESAR MARTINEZ, on
behalf of themselves and all others similarly
situated,

No. C09-04969 HRL

**ORDER OF JUDGMENT AND
DISMISSAL**

Plaintiffs,

v.

AB LANDSCAPING, INC., et al.,

Defendants.

The parties in the above-captioned class action have entered into a Joint Stipulation of Settlement and Release (“Settlement Agreement”). This Court approved the Settlement Agreement in its Order Granting Final Approval of Class Action Settlement, Awarding Attorney Fees and Authorizing Distribution and Cy Pres Payment, dated September 26, 2012 (Dkt. 76) (“The Order”). The judgment that follows is based on the findings of fact and conclusions of law set forth in the Order.

After consideration thereof, IT IS ORDERED ADJUDGED AND DECREED THAT:

- (1) The Order is expressly incorporated herein by reference;
- (2) The Settlement Agreement is expressly incorporated herein by reference, and the Court directs the parties to implement it, except that **the Cy Pres recipient shall be the Pro Bono Project Silicon Valley**, located at 480 N. First Street, San Jose, CA, 95112;
- (3) The Settlement Fund will be dispersed in accordance with the Settlement Agreement as detailed below:

United States District Court
For the Northern District of California

1 • The Defendants pay a total of \$324,068.99 to fully resolve the lawsuit. A portion of
2 this amount (\$172,482.86) was already distributed to 34 Class Members for payment
3 of their unpaid wages (“Distributed Funds”). The remaining amount (\$151,586.13)
4 will be distributed as follows:

- 5 a. \$22,744.78 (“Unpaid Wages Fund”) will be set aside to pay Class Members who
6 did not receive Distributed Funds for unpaid wages. For those Class Members
7 who did not timely Opt-In or file a Claim Form, Class Counsel shall hold their
8 respective amounts due in trust, until the statute of limitations to assert restitution
9 claims for wages has run;
- 10 b. After the statute of limitations to assert restitution claims for wages has run,
11 unclaimed funds from the above Unpaid Wages Fund will be remitted to the **Pro**
12 **Bono Project Silicon Valley**, located at 480 N. First Street, San Jose, CA, 95112.
13 As the individual statute of limitations run, Class Counsel shall submit proof of
14 payment to the Court.
- 15 c. Class Representatives Luis Sandoval, Israel Rodriguez, and Cesar Martinez are
16 awarded \$10,000, \$10,000 and \$5,000 respectively, for their services as the Class
17 Representatives. In light of this payment, they will not receive money in
18 settlement of their claims for penalties under the California Labor Code;
- 19 d. Defendants will pay their statutorily-required matching contributions on the wage
20 portion of the settlement amount;
- 21 e. Attorney’s fees in the amount of \$80,000 and costs in the amount of \$3,832.77
22 will be paid to Class Counsel Adam Wang.
- 23 f. After paying the amounts listed in (a)-(e) above, 80% of the remaining amount
24 will be distributed to Class Members who timely submitted the Opt-In Form to
25 settle their claims for liquidated damages under the FLSA; and 20% of the
26 remaining amount will be distributed to all Class Members who timely submitted
27 a Claim Form for penalties under the California Labor Code.

28 This case is DISMISSED WITH PREJUDICE, although the Court retains jurisdiction over
this matter for the purpose of enforcing the Settlement Agreement. Each party to bear his own
costs, except as set forth herein. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: September 26, 2012



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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C09-04969 HRL Notice will be electronically mailed to:

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.