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UNITED STATES DISTRICT COURT

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IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

15

SAN JOSE

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MOHD AYUB KHAN, an individual, on behalf)
 of himself and on behalf of The State of)
 18 California Labor and Workforce Development)
 Agency as a Private Attorney General,)

Case No. 5:09-CV-05155-JF (HRL)

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Plaintiff,

**[PROPOSED] ORDER ON
 FLEXTRONICS' MOTION FOR
 MODIFICATION OF FINAL
 APPROVAL**

20

v.

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FLEXTRONICS INTERNATIONAL USA,)
 22 INC., a California Corporation; and DOES 1)
 through 10, inclusive,)

Date: November 19, 2010
 Time: 9:00 a.m.
 Judge: Hon. Jeremy Fogel
 Dept./Place: Courtroom 3, Flr 5

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Defendants.

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On November 19, 2010, at 9:00 a.m. Defendant Flextronics International USA, Inc.'s

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("Flextronics") Motion for Modification of Final Approval Order came for hearing in

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1 Courtroom 3 of the United States District Court for the Northern District of California, the
2 Honorable Jeremy Fogel presiding.

3 The parties appeared through counsel. Prior to the hearing, the parties reached a
4 compromise by which: (1) Flextronics will contribute an additional \$10,000 to the settlement
5 funds on a non-reversionary basis, bringing Flextronics' gross contribution to the fund to
6 \$235,000 [plus applicable employer-side taxes]; (2) Counsel for the Class will be awarded an
7 additional \$2,500 in attorneys fees beyond those granted in the Final Approval Order, (25% of
8 the additional \$10,000 recovery obtained on behalf of the class); (3) Edward Crane, Zoraida
9 Cervantes, Benjamin Flowers, and Yvonne Betancourt, having requested to revoke their prior
10 Opt-Outs, will be deemed to have done so, and as such, will be treated as Settlement Class
11 Members; eligible to receive funds and bound by the release contained in the Final Approval
12 Order of November 9, 2010.

13 The Court, having read and considered all of the papers filed in this matter on behalf of
14 the parties and after hearing oral argument, **HEREBY ORDERS THAT:**

15 1. Defendant's Motion for Modification to Final Approval is **GRANTED**.

16 2. The Court finds that the compromise reached between the parties prior to the
17 hearing, is fair and reasonable, and in the best interests of all Class Members.

18 3. The Final Approval Order issued November 9, 2010 is hereby modified to
19 provide that eligible claimants Edward Crane, Zoraida Cervantes, Benjamin Flowers, and
20 Yvonne Betancourt (the "Four Claimants") shall be included as class members and claimants,
21 having expressed their intent to revoke their opt-out requests.

22 4. The Four Claimants shall be included by the claims administrator, Simpluris, Inc.,
23 as Settlement Class Members. Their prior Requests for Exclusion are hereby deemed revoked.

24 5. The Four Claimants, having revoked their prior Requests for Exclusion, are bound
25 by the terms of the release granted in connection with the November 9, 2010 Final Approval
26 Order.

27 6. Class Counsel's attorney fee award of 25% of the total value of the Gross Fund
28 Value, set forth in the Final Approval Order is corrected due to the adjustment of the settlement

1 fund to \$58,750. Class Counsel's awarded costs of litigation in the amount of \$4,379.98 remain
2 unchanged.

3 7. All other rulings in the November 9, 2010, Final Approval Order remain in force
4 and effect.


5 **IT IS SO ORDERED,**

6 Dated: November 22, 2010


The Honorable Jeremy Fogel

7 **APPROVED AS TO FORM AND CONTENT,**

8 Dated: 11-19 2010


Megan Ross Hutchins,
Counsel for Mohd Ayub Khan and the Plaintiff Class

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