

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| | | |
|-----------------------------|---|--------------------------|
| DARYL DEAN DAVIS; MARK |) | |
| APANANA; ELIZABETH VALDEZ |) | Civ. No. 08-00525 HG-BMK |
| KYNE; EARL TANAKA; THOMAS |) | |
| PERRYMAN; DEBORAH SCARFONE; |) | |
| on behalf of themselves and |) | |
| all others similarly |) | |
| situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| FOUR SEASONS HOTEL LIMITED, |) | |
| dba FOUR SEASONS RESORT, |) | |
| MAUI and FOUR SEASONS |) | |
| RESORT, HUALALAI, |) | |
| |) | |
| Defendants. |) | |

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

On February 12, 2014, the Court issued an Order Preliminarily Approving Class Action Settlement Agreement, Approving Form of Notice, and Scheduling Final Approval Hearing. (ECF No. 226).

On April 3, 2014 and April 4, 2014, the Court conducted a Final Approval Hearing. The Court, having considered Plaintiffs' Motion for Final Approval of Class Action Settlement (ECF Nos. 229, 231), finds that the Settlement is fair, reasonable, and adequate. Fed. R. Civ. P. 23(e)(2); Class Plaintiffs v. City of Seattle, 955 F.2d 1268, 1291 (9th

Cir. 1992).

The Settlement was the product of arms-length negotiations before a mediator. The Settlement allows the class to avoid further risks and delays to the more than 5 years of litigation in this case. The Parties participated in extensive discovery, including a certified question to the Hawaii Supreme Court.

The \$4,000,000 Settlement is substantial and will allow class members to receive their actual monetary damages plus interest.

The class members reacted positively to the Settlement. Sufficient notice was made to afford class members the opportunity to opt-out or object to the Settlement. No class member or other party objected to the Settlement.

Defendant provided Notice to the appropriate State and Federal Officials pursuant to 28 U.S.C. § 1715.

The Court hereby **GRANTS** the Motion for Final Approval of Class Action Settlement and orders as follows:

1. The Settlement is approved pursuant to Fed. R. Civ. P. 23(e);
2. The requested attorneys' fees of \$1,333,330, which totals one-third of the Settlement amount, is

approved;

3. The requested incentive payments for each of the lead Plaintiffs in the amount of \$25,000 is approved;
4. The Parties are directed to implement the terms of the Settlement; and,
5. Plaintiffs' counsel are directed, pursuant to the Settlement, to make additional reasonable efforts to contact any class members who did not submit a claim form in response to the mailed Notices whose claim exceeds \$200.

The case is hereby **DISMISSED WITH PREJUDICE**. All Parties shall bear their own costs, and the Parties to the Settlement waive all rights to appeal.

IT IS APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, May 15, 2014.



/s/ Helen Gillmor

Helen Gillmor
United States District Judge