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Attorneys for Plaintiffs
NATHAN A. SCHOLZ and CARLETON
WOODRING on behalf of themselves
and the certified class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

NATHAN A. SCHOLZ and CARLETON
WOODRING on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

TOM JAMES COMPANY, a Delaware
Corporation, and DOES 1 through 25,
inclusive,

Defendants.

) Case No. BC499218

) [CLASS ACTION]

) ~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE ENHANCEMENTS
AND REQUEST FOR ATTORNEYS' FEES
AND COSTS

Date: November 27, 2017
Time: 9:00 a.m.
Dept: 308
Judge: Hon. Ann I. Jones

Action Filed: January 16, 2013
Trial Date: None

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CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 30 2017

Sherri R. Carter, Executive Officer/Clerk
By: V. Jaime, Deputy

RECEIVED
Central Civil W/acc

OCT 30 2017

By: M. Aguirre

1 [PROPOSED] ORDER & JUDGMENT

2 The motion of Representative Plaintiffs Nathan A. Scholz and Carleton Woodring
3 ("Plaintiffs") for an order granting final approval of class action settlement came on for hearing in
4 Department 308 of this Court on November 27, 2017 at 9:00 a.m. This is a wage and hour class
5 action brought against Tom James Company (hereinafter referred to as "Defendant") that was
6 certified by the Court on September 25, 2015.

7 The Court, having read the papers filed with regard to Plaintiffs' motion for final approval
8 of the class action settlement and hearing argument regarding that motion on November 27, 2017,
9 hereby FINDS, ^{AND} ORDERS ~~AND ADJUDGES~~:

10 1. The Court has jurisdiction over the subject matter of this litigation and over all
11 parties to this Action, including the class members as defined by the Joint Stipulation of Class
12 Action Settlement.

13 2. The Court finds that the settlement agreement was entered into in good faith, is a
14 product of arm's-length negotiations between the parties and that the terms of the settlement are
15 fair, reasonable, adequate, and in the best interests of the settlement class. The Court also finds the
16 settlement satisfies the standards and applicable requirements for final approval of this class action
17 settlement under California law, including the provisions of California Code of Civil Procedure
18 section 382 and California Rules of Court, Rule 3.769.

19 3. The settlement agreement is therefore finally approved. The settlement agreement
20 and all amendments are incorporated herein.

21 a. All class members will be paid their individual settlement payment as set
22 forth in the notice they received from the claims administrator pursuant to
23 the terms of the Settlement Agreement.

24 b. Class Counsel shall be awarded attorneys' fees in the amount of \$775,000.00
25 and costs in the amount of \$19,318.00 which shall be paid by the Defendant
26 separately pursuant to the terms of the Settlement Agreement.

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- c. Named Plaintiffs Nathan A. Scholz and Carleton Woodring shall be granted an incentive award of \$15,000.00 and \$10,000.00, respectively.
- d. The claims administrator, ILYM Group, Inc., shall be granted payment in the amount of \$5,500.00 for its fees and services.
- e. Defendant is to fund the settlement by sending payment to the claims administrator pursuant to the terms of the Joint Stipulation of Class Action Settlement.

4. The Court orders the parties to the settlement agreement to perform forthwith each of their obligations as set forth according to its terms.

5. No objections to the settlement have been filed. No member of the class has opted out of the settlement. Accordingly, the Court adjudges that Plaintiffs and the members of the class as defined in the Joint Stipulation of Class Action Settlement and any amendments thereto who have not otherwise opted out are conclusively deemed to have released and discharged Defendant and the released parties from any and all settled claims as defined in the Joint Stipulation of Class Action Settlement and any amendments thereto.

6. The Parties are ordered to give notice of ~~this~~^{the} judgment (Judgment) to all class members in accordance with California Rule of Court 3.771(b) by posting a copy of this Order on the Class Counsel's website.

7. Without affecting the finality of this Order or final Judgment in any way, the Court retains jurisdiction pursuant to Code of Civil Procedure section 664.6 over: (1) implementation and enforcement of the settlement agreement pursuant to further orders of the Superior Court until each and every act agreed to be performed by the parties hereto shall have been performed pursuant to the settlement agreement; (2) any other action necessary to conclude this settlement and to implement the settlement agreement; and (3) the enforcement, construction, and interpretation of the settlement agreement.

8. Neither this Order nor the settlement agreement on which it is based are an admission or concession by any party of any fault, omission, liability or wrongdoing. This Order is not a finding of the validity or invalidity of any claims in this action or a determination of any

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wrongdoing by any party. The final approval of the Parties' settlement will not constitute any opinion, position, or determination of this Court, one way or the other, as to the merits of the claims or defenses of any party.

9. ^{The when filed and signed}
~~This~~ Judgment is intended to be a final disposition of the above-captioned action in its entirety, and it is intended to be immediately appealable.

IT IS SO ORDERED.

ANN I. JONES

Dated: 11/27/17

Honorable Ann I. Jones

1 **PROOF OF SERVICE**

2 I, Thomas Steinhart, declare:

3 I am and was at the time of the service mentioned in this declaration, employed in the
4 County of Los Angeles, California. I am over the age of 18 years and not a party to the within
5 action. My business address is Gleason & Favarote, LLP, 4014 Long Beach Blvd., Suite 300,
6 Long Beach, CA 90807.

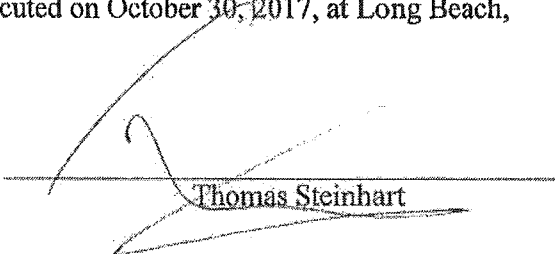
7 On October 30, 2017, I served a copy(ies) of the following document(s):

8 **[PROPOSED] ORDER AND JUDGMENT GRANTING MOTION FOR FINAL**
9 **APPROVAL OF CLASS ACTION SETTLEMENT, CLASS REPRESENTATIVE**
10 **ENHANCEMENTS AND REQUEST FOR ATTORNEYS' FEES AND COSTS**

11 on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

| 12 Attorney | Party(ies) Served | Method of Service |
|--|--|----------------------------|
| 13 George A. Stohner, Esq. 14 FAEGRE BAKER DANIELS LLP 15 1990 S. Bundy Dr., Ste. 620 16 Los Angeles, CA 90025 17 Tel: (650) 324-6700 18 Fax: (650) 324-6701 19 george.stohner@faegrebd.com | Counsel for Defendant | Electronic Transmission |
| 20 Gregory P. Abrams, Esq. 21 FAEGRE BAKER DANIELS LLP 22 311 S. Wacker, Ste. 4300 23 Chicago, IL 60606 24 Tel: (312) 212-6500 25 Fax: (312) 212-6501 26 gregory.abrams@faegrebd.com | Counsel for Defendant | Electronic Transmission |
| <input checked="" type="checkbox"/> | (BY ELECTRONIC TRANSMISSION) I caused said document to be sent by 27 electronic transmission via Case Anywhere, pursuant to an agreement between the 28 parties. | |

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on October 30, 2017, at Long Beach, California.


Thomas Steinhart

1 **PROOF OF SERVICE**

2 I, Linda Gardea, declare:

3 I am and was at the time of the service mentioned in this declaration, employed in the
4 County of Los Angeles, California. I am over the age of 18 years and not a party to the within
5 action. My business address is Gleason & Favarote, LLP, 4014 Long Beach Blvd., Suite 300,
6 Long Beach, CA 90807.

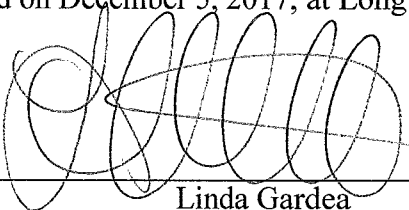
7 On December 5, 2017, I served a copy(ies) of the following document(s):

8 **ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION**
9 **SETTLEMENT, CLASS REPRESENTATIVE ENAHANCEMENTS AND REQUEST FOR**
10 **ATTORNEYS' FEES AND COSTS**

11 on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

| Attorney | Party(ies) Served | Method of Service |
|---|-----------------------|-------------------------|
| George A. Stohner, Esq. FAEGRE BAKER DANIELS LLP 1990 S. Bundy Dr., Ste. 620 Los Angeles, CA 90025 Tel: (650) 324-6700 Fax: (650) 324-6701 george.stohner@faegrebd.com | Counsel for Defendant | Electronic Transmission |
| Gregory P. Abrams, Esq. FAEGRE BAKER DANIELS LLP 311 S. Wacker, Ste. 4300 Chicago, IL 60606 Tel: (312) 212-6500 Fax: (312) 212-6501 gregory.abrams@faegrebd.com | Counsel for Defendant | Electronic Transmission |
| <input checked="" type="checkbox"/> (BY ELECTRONIC TRANSMISSION) I caused said document to be sent by electronic transmission via Case Anywhere, pursuant to an agreement between the parties. | | |

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22 I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on December 5, 2017, at Long Beach, California.

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Linda Gardea