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2 **FILED**  
3 SUPERIOR COURT OF CALIFORNIA  
4 COUNTY OF SAN BERNARDINO  
5 SAN BERNARDINO DISTRICT

6 MAY 14 2019

7 BY   
8 ERIN MUELLER, DEPUTY

9 SUPERIOR COURT OF CALIFORNIA  
10 COUNTY OF SAN BERNARDINO

11 JOSHUA LOUGHRIE and RICHARD  
12 ESPINOZA, on behalf of themselves and all  
13 others similarly situated,

14 Plaintiffs,

15 vs.

16 TARGET CORPORATION, a Minnesota  
17 Corporation; and DOES 1 through 10, inclusive,

18 Defendants.

No. CIVDS1804580

19 **[PROPOSED] ORDER GRANTING**  
20 **FINAL APPROVAL OF CLASS ACTION**  
21 **SETTLEMENT AND ENTERING FINAL**  
22 **JUDGMENT**

23 Date: May 14, 2019  
24 Time: 8:30 a.m.  
25 Judge: Hon. David S. Cohn  
26 Dept.: S-26, 247 W. 3rd St.,  
27 San Bernardino

28 Action filed: February 27, 2018  
Trial date: None

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Attorneys for Defendant Target Corporation

1 On May 14, 2019, a hearing was held on the joint motion of plaintiffs Joshua Loughrie and  
2 Richard Espinoza (collectively, "Plaintiffs") and defendant Target Corporation ("Target"), for final  
3 approval of their class settlement (the "Settlement"). Joseph R. Becerra of Becerra Law Firm,  
4 Torey J. Favarote of Gleason Favarote LLP, and Kevin T. Barnes and Gregg Lander of the Law  
5 Offices of Kevin T. Barnes appeared for Plaintiffs; and Jeffrey D. Wohl, Ryan D. Derry, Paul D.  
6 Kind, and Anna M. Skaggs of Paul Hastings LLP appeared for Target.

7 The parties have submitted their Settlement, which this Court preliminarily approved by its  
8 order entered on January 9, 2019. In accordance with the Preliminary Approval Order, Class  
9 Members have been given notice of the terms of the Settlement and the opportunity to object to it  
10 or to exclude themselves from its provisions.

11 Having received and considered the Settlement, the supporting papers filed by the  
12 parties, and the evidence and argument received by the Court at the hearing before it  
13 entered the Preliminary Approval Order and at the final approval hearing on May 14, 2019,  
14 the Court grants final approval of the Settlement, and HEREBY ORDERS and MAKES  
15 DETERMINATIONS as follows:

16 1. Pursuant to the Preliminary Approval Order, a Notice of Proposed Settlement,  
17 Conditional Certification of Settlement Class, Preliminary Approval of Settlement, and Hearing  
18 Date for Final Court Approval; a Class Member Settlement Information Sheet; and an Election Not  
19 to Participate in Settlement were sent to each Class Member by first-class mail. These papers  
20 informed Class Members of the terms of the Settlement, their right to receive a Settlement Share,  
21 their right to object to the Settlement or to elect not to participate in the Settlement and pursue their  
22 own remedies, and their right to appear in person or by counsel at the final approval hearing and be  
23 heard regarding approval of the Settlement. Adequate periods of time were provided by each of  
24 these procedures. Zero (0) Class Members filed written objections to the proposed Settlement as  
25 part of this notice period or stated an intention to appear at the final approval hearing. The Court  
26 finds and determines that this notice procedure afforded adequate protections to Class Members  
27 and provides the basis for the Court to make an informed decision regarding approval of the  
28 Settlement based on the responses of Class Members. The Court finds and determines that the

1 notice provided in this case was the best notice practicable and satisfied the requirements of law  
2 and due process.

3 2. In addition to the notice to the Class, the Attorney General of the United States and  
4 the appropriate state official in each state in which a Class Member resides have been given notice  
5 of the Settlement. Not later than 10 days after the motion seeking preliminary approval of the  
6 Settlement was filed with the Court, Target served upon the appropriate state official of each state  
7 in which a Class Member resides and the appropriate federal official a notice of the Settlement  
8 consisting of: copies of the complaint in this action; a notice of the scheduled judicial hearings in  
9 this class action; copies of the Settlement Agreement, proposed notices of class action settlement  
10 and Class Members' right to request exclusion from the class; and the names of Class Members  
11 who reside in each state and the estimated proportionate share of the claims of Class Members in  
12 each state to the entire Settlement. The notice of Settlement also invited comment on the  
13 Settlement. The Court finds and determines that Target's notice of the Settlement was timely,  
14 adequate, and compliant with the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715,  
15 and that 28 U.S.C. section 1715(e) has no application to the Settlement.

16 3. In addition to the notice to the Class and the CAFA notice described above, the  
17 California Labor and Workforce Development Agency (the "LWDA") was given timely notice of  
18 the Settlement pursuant to the California Labor Code Private Attorneys General Act ("PAGA"),  
19 Cal. Lab. Code § 2699(I)(2). The notice of Settlement invited comment on the Settlement. The  
20 Court finds and determines that this notice of the Settlement was timely, adequate, and compliant  
21 with PAGA.

22 4. For the reasons stated in the Preliminary Approval Order, the Court finds and  
23 determines that the proposed Class, as defined in the definitions section of the Settlement and  
24 conditionally certified by the Preliminary Approval Order, meets all of the legal requirements for  
25 class certification, and it is hereby ordered that the Class is finally approved and certified as a class  
26 for purposes of the Settlement.

27 5. The Court further finds and determines that the terms of the Settlement are fair,  
28 reasonable and adequate to the Class and to each Class Member and that the Class Members who

1 did not timely submit valid elections not to participate in the Settlement in accordance with the  
2 Settlement Agreement and the Preliminary Approval Order will be bound by the Settlement, that  
3 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement  
4 should be and hereby are ordered to be consummated.

5 6. The Court finds and determines that the Settlement Shares to be paid to the Class  
6 Members, as provided for by the Settlement, are fair and reasonable. The Court hereby gives final  
7 approval to and orders the payment of those amounts be made to the Class Members out of the Net  
8 Settlement Amount in accordance with the Settlement.

9 7. The Court finds and determines that the fees and expenses in administering the  
10 Settlement, in the amount of \$55,000.00, are fair and reasonable. The Court hereby gives final  
11 approval to and orders that amount be paid out of the Maximum Settlement Amount in accordance  
12 with the Settlement.

13 8. The Court determines by separate order the request by plaintiffs and Class Counsel  
14 to the Class Representative Payments and the Class Counsel Fees and Expenses Payment.

15 9. The Court orders that to the extent payments made to Class Members remain  
16 uncashed 180 days after mailing, the funds represented by the uncashed checks be delivered to the  
17 California State Controller's Office, Unclaimed Property Division, in light of guidance from the  
18 Department of Industrial Relations that, effective October 15, 2018, the Labor Commissioner's  
19 Office will no longer process such funds for deposit into the California Division of Labor  
20 Standards Enforcement's Unpaid Wage Fund.

21 10. Without affecting the finality of this order in any way, the Court retains jurisdiction  
22 of all matters relating to the interpretation, administration, implementation, effectuation and  
23 enforcement of this order and the Settlement.

24 11. Nothing in this order will preclude any action to enforce the parties' obligations  
25 under the Settlement or under this order, including the requirement that Target make payments to  
26 the Class Members in accordance with the Settlement.

27 12. Upon completion of administration of the Settlement, the Settlement Administrator  
28 will provide written certification of such completion to the Court and counsel for the parties.

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13. Pursuant to the Settlement, plaintiffs and all Class Members who did not timely submit valid elections not to participate are permanently barred from prosecuting against Target, and its parents, predecessors, successors, subsidiaries, affiliates, joint ventures, and trusts, and all of its employees, officers, agents, attorneys, stockholders, fiduciaries, other service providers, and related persons and entities, and assigns, any of the claims released by them under the Settlement.

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

15. The Court hereby enters final judgment in accordance with the terms of the Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement filed on January 9, 2019, and this order, each side to bear its own costs and attorneys' fees except as provided by the Settlement.

IT IS SO ORDERED.

Dated: 5/14, 2019.

  
\_\_\_\_\_  
David S. Cohn  
Judge of the Superior Court