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ENDORSED

FILED
San Francisco County Superior Court

NOV 12 2013

CLERK OF THE COURT
By W. Herbert
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 HESHMAT AZADI, RONALD
12 DOWNING, HISHAM ESKARIYAT,
13 ISSAM ESKARIYAT, MICHAEL LAKE,
14 SHERMAN LEE, STEVEN MILES,
15 BEHZAD OLYAIE, GABER SHALABY,
16 ERNESTO GUISANDE, HOSSAM
17 MOHAREB, ANGEL OREA, and
18 ROMANY BOCTOR, on behalf of
19 themselves and all others similarly situated,

20 Plaintiffs,

21 vs.

22 CAREY LIMOUSINE S.F. INC., CAREY
23 INTERNATIONAL, INC., and DOES 1
24 through 50 inclusive,

25 Defendants.

Case No. CGC-12-527396

**~~PROPOSED~~ ORDER OF FINAL APPROVAL
OF CLASS ACTION SETTLEMENT, AND
AWARDING ATTORNEYS' FEES AND
COSTS AND REPRESENTATIVE
PLAINTIFFS' ENHANCEMENTS**

Judge: Hon. Marla J. Miller

Date/Time: November 12, 2013 at 9:30 a.m.

Department: 302

26 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

27 Plaintiffs' unopposed Motion for Final Approval of Class Action Settlement and Motion for
28 Attorneys' Fees came before this Court on November 12, 2013. The proposed settlement in this case
was preliminarily approved by this Court on July 23, 2013. Pursuant to the Court's Preliminary
Approval Order and the Notice provided to the Class, the Court conducted a final fairness hearing as
required by California Rules of Court 3.769. The Court has reviewed the materials submitted by the

1 parties and has heard arguments presented by counsel at the hearing.

2 For the reasons cited herein, the Court hereby grants final approval of the Class Settlement
3 based upon the terms set forth in the Preliminary Approval Order and the Joint Stipulation of
4 Settlement and Release Between Plaintiffs and Defendants (“Settlement” or “Settlement
5 Agreement”) filed by the parties. The Settlement appears to be fair, adequate, and reasonable to the
6 Class.

- 7 1. The Court finds that this action satisfies the requirements of Rule 3.769 and further
8 finds that the Class has at all times been adequately represented by the Named
9 Plaintiffs and Class Counsel.
- 10 2. The Notice approved by the Court was provided by First Class direct mail to the last-
11 known address of each of the individuals identified as Class Members. In addition,
12 follow-up efforts were made to send the Notice to those individuals whose original
13 notices were returned as undeliverable. The Notice adequately described all of the
14 relevant and necessary parts of the proposed Settlement Agreement, the request for
15 incentive payments to the Named Plaintiffs, and Class Counsel's motion for an award
16 of attorneys' fees and costs.
- 17 3. The Court finds that the Notice given to the Class fully complied with Rule 3.769,
18 was the best notice practicable, satisfied all constitutional due process concerns, and
19 provides the Court with jurisdiction over the Class Members.
- 20 4. The Court has concluded that the Settlement, as set forth in the Settlement Agreement
21 executed by the parties, is fair, reasonable, and adequate under state and federal laws,
22 including the Fair Labor Standards Act 29 U.S.C. § 201 *et seq.* The Court finds that
23 the uncertainty and delay of further litigation strongly supports the reasonableness
24 and adequacy of the \$750,000 Settlement Fund established pursuant to the Settlement
25 Agreement.

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- 2 5. Out of the identified Class Members who were notified, none have objected to or
- 3 opted-out of the proposed settlement. The reaction of the Class to the proposed
- 4 settlement (with more than 94% affirmatively filing claims) strongly supports the
- 5 conclusion that the proposed Settlement is fair, reasonable, and adequate.
- 6 6. The Settlement is HEREBY APPROVED in its entirety.
- 7 7. The Settlement Fund shall be dispersed in accordance with the Settlement Agreement
- 8 as detailed in the Motion for Preliminary Approval of Class Action Settlement and
- 9 Certification of Settlement Class, granted on July 23, 2013, the Unopposed Motion
- 10 for Approval of Attorneys' Fees and Costs, filed on October 9, 2013, and the
- 11 Unopposed Motion for Final Approval of Class Action Settlement, filed on October
- 12 15, 2013.
- 13 8. Representative Plaintiffs Heshmat Azadi, Ronald Downing, Hisham Eskariyat, Issam
- 14 Eskariyat, Michael Lake, Sherman Lee, Steven Miles, Behzad Olyaie, Gaber Shalaby,
- 15 Ernesto Guisande, Hossam Mohareb, Angel Orea, and Romany Boctor are hereby
- 16 awarded \$5,000 each for their time and effort in pursuing this litigation, with
- 17 additional enhancements of \$500 or \$1,000 to those who attended a half- or full-day
- 18 mediation, respectively. *Munoz v. BCI Coca-Cola Bottling Co. of Los Angeles* (2010)
- 19 186 Cal.App.4th 399, 412, rehearing denied (Aug. 2, 2010), review denied (Sep. 29,
- 20 2010).
- 21 9. Plaintiffs' application for Attorneys' fees in the amount of \$150,000, and litigation
- 22 costs in the amount of \$20,000, is hereby granted in accordance with *City & County of*
- 23 *San Francisco v. Sweet* (1995) 12 Cal.4th 105, 110-11 and *Quinn v. State* (1975) 15
- 24 Cal.3d 162, 168l.
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- 28

1 10. This case is hereby DISMISSED WITH PREJUDICE, with each party to bear his,
2 her, or its own costs, except as set forth herein, and with this Court retaining
3 exclusive jurisdiction to enforce the Settlement Agreement, including over
4 disbursement of the Settlement Fund.

5 This is a final judgment.

6
7 Dated: _____, 2013

8 NOV 12 2013

ERNEST H. GOLDSMITH

9 THE HONORABLE MARLA J. MILLER
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA