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8 Attorneys for Plaintiffs

9 [Redacted]

10 IN THE SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12 [Redacted], individually, on
13 behalf of all others similarly situated, and on
14 behalf of the general public,

15 Plaintiffs,

16 v.

17 Landmark Hospitality Inc.; Bruno's
18 Management LP, dba Bruno's; Owl Tree
19 Partners LP, dba The Owl Tree; 2020 Fillmore
20 LP (in its own right and as successor in interest
21 to 2020 Fillmore LLC), dba Harry's Bar,
22 George Karas, and Richard Howard and DOES
23 1 through 50 inclusive,

24 Defendants.

CASE NO. CGC-13-532871

[proposed] ORDER GRANTING
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVES'
ENHANCEMENTS, AND CYPRES
RECIPIENT, AND ENTRY OF
JUDGMENT

ERNEST H. GOLDSMITH

Judge: Hon. ~~A. James Robertson II~~

Date/ Time: ~~June 11, 2014 9:30am~~

Dept.: Law and Motion, Dept. 302

Complaint Filed: July 16, 2013

Trial Date: Not Set

ENDORSED
FILED
San Francisco County Superior Court

AUG 25 2014

CLERK OF THE COURT

BY: GINA GONZALES
Deputy Clerk

APR 24 2014

BY FAX

1 On June 11, 2014, the undersigned heard an unopposed motion by [REDACTED]
2 [REDACTED] (collectively, the "Class Representatives"),
3 for an order finally approving a settlement of the above-entitled putative class action
4 ("Settlement"). The undersigned having considered the Stipulation, Class Action Settlement
5 Agreement, and Release of Claims, the Motion for Final Approval, the supporting declarations,
6 and attached exhibits;¹

7 **IT IS HEREBY ORDERED THAT:**

8 1. The Motion for Final Approval of Class Action Settlement is GRANTED
9 pursuant to California Rule of Court 3.769.

10 2. The Court finds that the Class has at all times been adequately represented by the
11 Named Plaintiffs and Class Counsel.

12 3. The Notice approved by the Court was provided by First Class direct mail to the
13 last-known address of each of the individuals identified as Class Members. In addition, follow-
14 up efforts were made to send the Notice to those individuals whose original notices were
15 returned as undeliverable, and to send a Spanish-language version and letter, and a bilingual
16 reminder postcard, to maximize the likelihood that Class Members would learn of the Settlement
17 and be able to consider participation. The Notice adequately described all of the relevant and
18 necessary parts of the proposed Settlement Agreement, the request for incentive payments to the
19 Named Plaintiffs, and Class Counsel's motion for an award of attorneys' fees and costs.

20 4. The Court finds that the Notice given to the Class fully complied with Rule 3.769,
21 was the best notice practicable, satisfied all constitutional due process concerns, and provides the
22 Court with jurisdiction over the Class Members.

23 5. The Court has concluded that the Settlement, as set forth in the Settlement
24 Agreement executed by the parties, is fair, reasonable, and adequate under state and federal laws,
25 including the Fair Labor Standards Act 29 U.S.C. § 201 *et seq.* The Court finds that the
26 uncertainty and delay of further litigation strongly supports the reasonableness and adequacy of
27 the \$562,200 Settlement Fund established pursuant to the Settlement, and provides meaningful
28 relief to the Class Members. Strengths of the Settlement include that none of the funds revert to

¹ All capitalized terms in this Order shall have the same definitions as those set forth in the Stipulation.
[proposed] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
CASE NO. CGC-13-532871

1 Defendants and that Defendants bear their own share of payroll taxes.

2 6. 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 settlement (with
4 most affirmatively filing claims) strongly supports the conclusion that the proposed Settlement is
5 fair, reasonable, and adequate.

6 7. The Settlement is HEREBY APPROVED in its entirety.

7 8. The Settlement Fund shall be dispersed in accordance with the Settlement as
8 detailed in the Motion for Preliminary Approval of Class Action Settlement and Certification of
9 Settlement Class, granted on February 7, 2014, the Unopposed Motion for Approval of
10 Attorneys' Fees and Costs, filed on April 11, 2014, and the Unopposed Motion for Final
11 Approval of Class Action Settlement, filed on April 24, 2014.


12 9. Representative Plaintiffs [REDACTED], [REDACTED], [REDACTED], and
13 [REDACTED] are hereby awarded \$5,000 each for their time and effort in pursuing this
14 litigation. *Munoz v. BCI Coca-Cola Bottling Co. of Los Angeles* (2010) 186 Cal.App.4th 399,
15 412, rehearing denied (Aug. 2, 2010), review denied (Sep. 29, 2010).

16 10. Plaintiffs' application for Attorneys' fees in the amount of \$140,550, and litigation
17 costs in the amount of \$25,000, is hereby granted in accordance with *City & County of San*
18 *Francisco v. Sweet* (1995) 12 Cal.4th 105, 110-11 and *Quinn v. State* (1975) 15 Cal.3d 162, 168l.

19 11. The Court approves *cy pres* recipient Legal Aid Society – Employment Law
20 Center to receive any remainder based upon uncashed settlement checks, as called for in the
21 Settlement, because this recipient is useful in fulfilling the underlying purpose of the lawsuit to
22 vindicate low-wage workers' wage claims. *In re Microsoft I-V Cases* (2008) 135 Cal.App.4th
23 706, 722.

24 This is a final judgment.

25 Dated: AUG 25 2014
26 _____, 2014

27 
THE HONORABLE A. ~~JAMES ROBERTSON II~~
SUPERIOR COURT OF THE STATE OF
CALIFORNIA

28 ERNEST H. GOLDSMITH