

**FILED/ENDORSED**

MAY 19 2017

By: DESSIE ROGERS  
DEPUTY CLERK

THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

<p>Coordination Proceeding Special Title (Rule 3.550)</p> <p>WELLS FARGO BANK MANAGERS WAGE AND HOUR CASES</p>	<p>Judicial Council Coordination Proceeding No. 4723</p> <p><del>[PROPOSED]</del> ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT</p> <p>Date: May 19, 2017 Time: 9:00 A.M. Dept: 39</p>
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**File By Fax**

On January 12, 2017 the Court granted preliminary approval of this proposed class action settlement. In doing so, the Court also approved a comprehensive notice program administered by a court approved third-party claims administrator, Epiq. This matter is now before the Court on Plaintiffs' unopposed motion for final approval ("Joint Stipulation of Class Action Settlement and Release").

The Court has read and considered all papers filed herein, including the Joint Stipulation of Class Action Settlement and Release, the Memorandum of Points and Authorities in Support of Final Approval, Plaintiffs' Application for Attorney's Fees and Costs and Request For Class Representative enhancements, and the Declarations of Ryan Kao from Epiq, and Class Counsel John Glugoski and Charles Jones as well as the Class Representatives. The Court has heard and considered all arguments made by those appearing at the Final Approval Hearing on May 19, 2017, and is otherwise fully informed in these matters. No objections

1 were submitted by interested class members and no class members made an appearance at the  
2 Final Approval Hearing.

3 Now, therefore, good cause appearing,

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

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6 1. This Order and Judgment Granting Final Approval of Settlement ("Final  
7 Judgment") incorporates by reference the definitions set forth in the Stipulation of Settlement  
8 and Release, and all terms used herein shall have the same meanings as set forth in the  
9 Stipulation of Settlement and Release.

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11 2. This Court has jurisdiction over the subject matter of this litigation and over all  
12 parties to this action, including all members of the Classes.

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14 3. The Court finds that the notice given to the Class of the settlement as described in  
15 the Class Action Settlement Agreement and Preliminary Approval Order constituted the best  
16 notice practicable under the circumstances. The notice program provided due and adequate notice  
17 of these proceedings and of the matters set forth in the notice, including the settlement set forth in  
18 the Joint Stipulation of Class Action Settlement and Release, to all persons and entities entitled  
19 to such notice, and said notice fully satisfied the requirements of due process and applicable law.  
20 The Court further finds that the mailing of the Notice of Settlement to the 2,309 class members  
21 was properly administered by Epiq pursuant to Court order and that in connection with the  
22 mailing of the notice the response was as follows: Of the 2,309 Claim Forms, there are 1,514  
23 valid claims. There are only nine opt outs. There were no objections to the proposed  
24 settlement.  
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27 4. This Court hereby approves the settlement set forth in the Joint Stipulation of  
28 Class Action Settlement and Release and finds that said settlement is, in all respects, fair,

1 reasonable, adequate and in the best interests of the Class. In making this determination, the  
2 Court has considered the following factors, among others: the strength of the Plaintiffs' case;  
3 the risk, expense, complexity, and likely duration of further litigation; the risk of maintaining  
4 class status through trial; the risk of achieving a result favorable to either party at trial; the  
5 nature and extent of the discovery obtained and/or exchanged voluntarily between the parties;  
6 the fact that the settlement resulted from arms-length negotiations over the course of several  
7 months; the experience and views of counsel for both parties; the lack of any objections, and  
8 no disputes regarding the number of workweeks. Further, the Court recognizes that Defendant  
9 is represented by experienced and well-qualified attorneys with the knowledge and resources  
10 and determination to mount a formidable defense to the merits of Plaintiffs' allegations should  
11 this matter continue to be litigated. Consummation of the settlement in accordance with the  
12 terms and provisions of the Stipulation of Settlement and Release is therefore approved. The  
13 settlement shall be binding upon all members of the Class who did not timely opt-out.  
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17 For purposes of this Final Judgment and for settlement only, the Court hereby certifies the  
18 Class as set forth in the Stipulation.

19         5. For purposes of this Final Judgment and for settlement only, the Court hereby  
20 appoints the Named Plaintiffs as the class representative for the Classes.

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22         6. For purposes of this Final Judgment and for settlement only, the Court hereby  
23 appoints Righetti Glugoski P.C. and Jones Law firm as Class Counsel for the Classes.

24         7. Pursuant to the Stipulation of Settlement and Release, Plaintiffs and all Class  
25 ~~Members, on behalf of themselves and their heirs, executors, administrators, and assigns, fully~~  
26 release, discharge, and covenant not to sue the Released Parties, from any and all claims  
27 released pursuant to paragraphs 14-16 of the Stipulation of Settlement and Release. Even if  
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1 Plaintiffs and/or the Class Members may hereafter discover facts in addition to or different  
2 from those which they now know or believe to be true with respect to the subject matter of the  
3 claims released pursuant to paragraphs 14-16 of the Stipulation of Settlement and Release, each  
4 Plaintiff and Settlement Class Member shall by operation of this Final Judgment have, fully,  
5 finally, and forever settled and released any and all of the claims released pursuant to  
6 paragraphs 14-16 of the Stipulation of Settlement and Release. Without in any way limiting the  
7 foregoing, all Class Members who submitted a valid claim form shall be deemed to have  
8 consented to join the case as party plaintiffs for purposes of effectuating a release of all claims  
9 under the Fair Labor Standards Act as set out in the FAC. The Court hereby finds the  
10 settlement to fully, fairly, and reasonably release all FLSA claims outlined in the FAC as to all  
11 Class Members who submitted a claim form.  
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14 8. Within ten (10) business days of the signing of this Order, Defendants shall  
15 deposit \$12,732,500 (the Gross Fund Value or "GFV") into an interest-bearing escrow account  
16 through the Claims Administrator, Epiq. Any interest accrued on this account will be  
17 distributed to the Qualified Claimants and Class Counsel as set forth in the Stipulation of  
18 Settlement and Release. The GFV of \$12,732,500.00 is for the benefit of the Classes, or to the  
19 attorneys for the Classes (the "Settlement Account"), in the manner more fully set forth in the  
20 Stipulation of Settlement and Release. With the exception of the payment of any appropriate  
21 and lawfully required employer-side payroll taxes on the portion of the GFV allocated to  
22 wages, this sum shall represent the total consideration to be paid by Defendants in connection  
23 with the settlement. Defendants shall have no further liability for costs, expenses, interest,  
24 attorneys' fees, or for any other charge, expense, or liability, except as provided in the  
25 Stipulation of Settlement and Release. The Claims Administrator is directed to timely disperse  
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1 the GFV funds to the Qualified Claimants, Class Counsel, and the Labor Workforce  
2 Development Agency as set forth in the Stipulation of Settlement and Release.

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4 9. The Court has reviewed class counsel's application for attorneys' fees and  
5 reimbursement of litigation costs. Class counsel capably represented the class in a manner in  
6 which has resulted in a settlement well received by the class and which has been approved by  
7 this Court. The case presented novel issues of law which are hardly settled in the field of  
8 wage and hour litigation and the Court recognizes that the attorneys for the class worked  
9 diligently, responsibly and with great care for the interests of the class members. The Court  
10 finds the requested hourly rates and the hours expended by Class Counsel (Righetti Glugoski.  
11 P.C. and Jones Law Firm) in litigating this matter to be reasonable. Accordingly, the Court  
12 approves fees to Class Counsel, Righetti Glugoski, P.C and Jones Law Firm. The Court also  
13 finds that the costs requested by class counsel were reasonable and properly incurred in the  
14 prosecution of this action on behalf of the class. Accordingly, the Court approves the request  
15 for an award of attorney fees and costs in the sum of \$4,244,166.20 to Class Counsel (Righetti  
16 Glugoski. P.C. and Jones Law Firm) for fees and costs incurred in this case.

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19 10. The Court, having reviewed a request for additional compensation to the named  
20 plaintiffs, finds that such compensation is warranted. Plaintiffs filed this action on behalf of a  
21 large class and have devoted their time and effort to assisting class counsel in its prosecution.  
22 These efforts have resulted in a substantial settlement for a large class. Accordingly, the Court  
23 approves the enhancement request of Class Representative Joseph Fontana and Carlos Lopez in  
24 the sum of \$30,000.00 each for their work and effort serving as the lead plaintiffs.  
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1 11. The Court approves the payment of \$45,000.00 to claims administrator, to cover  
2 the costs of administering the settlement to Epiq Class Action and Mass Tort Solutions, Inc  
3 (Epiq).  
4

5 12. This action (and all claims asserted at any time herein) is hereby fully and  
6 finally dismissed with prejudice, with each party to bear his/her/its own costs and attorneys'  
7 fees (except as otherwise expressly provided herein).  
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9 13. The Class Members shall not sue, or file, initiate, or continue to prosecute any  
10 lawsuit, action, charge, complaint, administrative claim, or arbitration, or otherwise make a  
11 claim against any of the Released Parties as to claims released pursuant to paragraph 14 of the  
12 Stipulation of Settlement and Release.

13 14. This Final Judgment is entered pursuant to Stipulation of Settlement and Release  
14 of the parties and is intended to effectuate the settlement more fully described in the Stipulation of  
15 Settlement and Release.  
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17 15. The Court maintains continuing jurisdiction to adjudicate any matters related to  
18 this Judgment and Stipulation of Settlement and Release.

19 **IT IS SO ORDERED.**

20  
21 DATED: 5-19-2017



*David W. Abbott*  
Honorable David W. Abbott

22 Approved as to Form:

23 Dated: May 16, 2017

*Charles A. Jones*  
Jones Law Firm

Charles A. Jones  
Attorney's for Plaintiffs

24  
25  
26 Dated: May 17, 2017

*Gill Porcaro*  
Seyfarth Shaw LLP

Gill Porcaro  
Attorney's for Defendant