

FILED

OCT 14 2022

JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT

By: J. Berg, Deputu

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
MARIN COUNTY

BARBARA SCROOC, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INCORPORATED, and Does 1
through 10, inclusive,

Defendants.

Case No. CIV 2001671

**[PROPOSED] FINAL ORDER AND
JUDGMENT**

Date: October 14, 2022

Time: 1:30 p.m.

Dept.: E

Judge: Hon. Andrew E. Sweet

CIV 2001671

[PROPOSED] FINAL ORDER AND JUDGMENT

PROPOSED FINAL ORDER AND JUDGMENT

The Court, having considered the parties' Joint Stipulation of Class and Representative Action Settlement ("Settlement"), filed on February 8, 2022 as Exhibit 1 attached to Declaration of Edward J. Wynne in support of the Motion for Preliminary Approval of Class Action and Representative Action Settlement, the Motion for Preliminary Approval of Class Action and Representative Action Settlement, the Motion for Final Approval of Class Action and Representative Action Settlement and the Motion for Attorney's Fees and Costs, and all other materials properly before the Court, hereby finds and orders as follows:

1. Unless otherwise defined herein, all terms used in this Order (the "Final Order and Judgment") will have the same meaning as defined in the Settlement.

2. The Court has jurisdiction over the subject matter of this action, the Plaintiff Barbara Scrooc, the Class Members, and Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc. (collectively, the "Settling Parties").

3. The Court finds that the Settlement was the product of arm's-length negotiations between experienced counsel. The Court grants final approval of the Settlement, including the releases and other terms, as fair, reasonable and adequate as to the Settling Parties. The Settling Parties are directed to perform in accordance with the terms set forth in the Settlement.

4. The Court finds that the procedures for notifying the Class about the Settlement, including the Class Notice and related documents, constituted the best notice practicable under the circumstances to all Class Members, and fully satisfied all necessary requirements of due process. Based on the evidence and other materials submitted to the Court, the Class Notice to the Class Members provided adequate, due, sufficient and valid notice of the Settlement.

5. The Court finds that there were no objections to the Settlement.

6. Plaintiff Barbara Scrooc and those Class Members who have not excluded themselves from the Settlement are bound by the Judgment and thereby have released their claims pursuant to Settlement.

7. The Court finds that the following individuals have validly excluded themselves

1 from the Settlement and are not bound by the Judgment: Willis B. Good, Jeanne Marie Cantlay,
2 Julia A. Emenhiser, Uma Chopra, Gregory Rios, Debra A. Novak, Jenna M. Mai, Pakize Diri,
3 and Edmundo Andrade.

4 8. The Court finds, for settlement purposes only, that the Class satisfies the
5 applicable standards for certification under Code of Civil Procedure § 382.

6 9. Class Counsels' request for attorneys' fees and litigation costs and expenses in
7 this action is approved as follows: Class Counsel are hereby awarded \$458,333.33 for attorneys'
8 fees and reimbursement of litigation costs and expenses in the amount of \$18,421.06, which the
9 Court finds were reasonably incurred in prosecution of this case.

10 10. The enhancement awards for the Named Plaintiff, Barbara Scrooc, is approved
11 in the amount of \$5,000 to compensate her for her unique service in initiating and maintaining
12 this litigation.

13 11. Payment to the Settlement Administrator, Simpluris Inc., is approved in the
14 amount of \$18,500.

15 12. Any settlement distribution check shall be negotiable for 180 days from the date
16 of issuance.

17 13. Nothing relating to this Order, or any communications, papers, or orders related
18 to the Settlement, shall be cited to as, construed to be, admissible as, or deemed an admission
19 by Defendant or Releasees of any liability, culpability, negligence, or wrongdoing toward the
20 Plaintiffs, the Class Members, or any other person, or that class or collective action certification
21 is appropriate in this or any other matter. There has been no determination by any Court as to
22 the merits of the claims asserted by Plaintiff against Defendant or as to whether a class should
23 be certified, other than for settlement purposes only. Furthermore, nothing in this Agreement
24 shall be cited to as, construed to be, admissible as, or considered any form of waiver of any
25 alternative dispute resolution agreements, provisions, or policies by Defendants or Releasees.

26 14. The Class Members will be provided notice with their settlement distribution
27 check that the Final Order and Judgment is posted on the landing page of the Settlement
28 Administrator's website. A copy of the Final Order and Judgment shall be posted by the

1 Settlement Administrator on the Settlement Administrator's website on the landing page at
2 (www.simpluris.com/case-information).

3 15. The Court shall have exclusive and continuing jurisdiction over this Action for
4 the purposes of supervising the implementation, enforcement, construction, administration, and
5 interpretation of the Settlement and this Final Approval Order. 9⁰⁰am.

6 16. A Final Report Hearing is set for 1/25/23, 2022. The Settling Parties
7 shall file a declaration from the administrator or other declarant at least five (5) court days prior
8 to the Final Report Hearing.

9
10 **IT IS SO ORDERED.**

11
12 Dated:

10/14/22
10/14/22


The Hon. Andrew E. Sweet