

1 prepared by plaintiff's counsel)

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3 **FILED**
San Francisco County Superior Court

4 MAY 06 2022

5 CLERK OF THE COURT
6 BY: [Signature]
Deputy Clerk

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 MOHAMMAD MUSTAFA NIZAM,
12 individually and on behalf of all others
13 similarly situated,

14 Plaintiff,

15 v.

16 PHAIDON INTERNATIONAL (USA),
17 INC.; and DOES 1 through 20, inclusive,
18 Defendants.

Case No.: CGC-20-582322

19 CLASS ACTION

20 (b)(7)
21 [PROPOSED] ORDER GRANTING
22 MOTION FOR FINAL APPROVAL OF
23 CLASS ACTION SETTLEMENT

24 FINAL APPROVAL HEARING

25 Date: May 6, 2022

26 Time: 9:30 a.m.

27 Dept. 302
28

1 Plaintiff has filed a Motion for an Order Granting Final Approving Class Action Settlement,
2 and Motion for Attorneys' Fees and costs (collectively "Motion"). Having reviewed the Motion and
3 supporting materials, the Court determines and orders as follows:

4 A. Counsel have advised the Court that the parties have agreed to settle this action on the
5 terms and conditions set forth in the Settlement Agreement and Release of Claims (the
6 "Agreement").

7 B. The Court has reviewed the Agreement, as well as the files, records, and proceedings
8 to date in this matter. The terms of the Agreement are hereby incorporated as though fully set forth
9 in this Order. Capitalized terms shall have the meanings attributed to them in the Agreement.

10 C. Based upon examination, it appears to the Court that the Agreement is sufficiently
11 fair, reasonable, and adequate to warrant final approval and judgment in this action, based upon that
12 Agreement.

13 Based upon the foregoing, IT IS HEREBY ORDERED:

14 1. **Final Approval of Proposed Settlement.** The Agreement, including all exhibits
15 thereto, is approved as fair, reasonable and adequate. The Court finds that (a) the Agreement resulted
16 from extensive arm's length negotiations, and (b) the Agreement is sufficient to warrant final
17 approval.

18 2. **Class Certification for Settlement Purposes Only.**

19 (a) Pursuant to Code of Civil Procedure Section 382, the Court, for settlement
20 purposes only, certifies a class consisting of "All exempt employee of Defendant employed in the
21 position of Consultant, Principal Consultant, Assistant Vice President, or Vice President and in
22 California during the period of January 21, 2016 through January 7, 2022." The Class does not
23 include any persons who validly requested exclusion from the Class, but there have been no requests
24 for exclusion.

25 (b) In connection with the certification, the Court makes the following findings:

26 (1) The Class satisfies Code of Civil Procedure § 382 because the Class is
27 so numerous that joinder of all members is impracticable;

28 (2) The Class satisfies Code of Civil Procedure § 382 because there are
questions of law or fact common to the Class;

1 (3) The Class satisfies Code of Civil Procedure § 382 because the claims
2 of the plaintiff named in the caption are typical of the claims being resolved through the proposed
3 settlement;

4 (4) The Class satisfies Code of Civil Procedure § 382 because the named
5 plaintiff is capable of fairly and adequately protecting the interests of the above-described Class in
6 connection with the proposed settlement and because counsel representing the Class are qualified,
7 competent and capable of prosecuting this action on behalf of the Class.

8 (5) The Class satisfies the requirements of Code of Civil Procedure § 382
9 because, for purposes of settlement approval and administration, common questions of law and fact
10 predominate over questions affecting only individual Class Members and because settlement with
11 the above-described Class is superior to other available methods for the fair and efficient resolution
12 of the claims of the Class. The Class is sufficiently cohesive to warrant settlement by representation.

13 (c) In making the foregoing findings, the Court has exercised its discretion in
14 certify a settlement class.

15 (d) Mohammed Mustafa Nizam is hereby designated as Class Representative.

16 3. **Class Counsel.** The Court appoints the Law Offices of Todd M. Friedman, PC, and
17 Freiman Legal as counsel for the Class ("Class Counsel"). For purposes of these settlement approval
18 proceedings, the Court finds that Class Counsel are competent and capable of exercising their
19 responsibilities as Class Counsel.

20 4. **Findings Concerning Notice.** The Court finds that the Notice and the manner of its
21 dissemination constituted the best practicable notice under the circumstances and was reasonably
22 calculated, under all the circumstances, to apprise Class Members of the pendency of this action, the
23 terms of the Agreement, and their right to object to or exclude themselves from the Class. The Court
24 finds that the notice was reasonable, that it constituted due, adequate and sufficient notice to all
25 persons entitled to receive notice, and that it met the requirements of due process, Rules of Court
26 3.766 and 3.769(f), and any other applicable laws.

27 5. **Exclusion from Class.** Each Class Member who excluded himself or herself from the
28 Class and followed the procedures set forth in this Paragraph shall be excluded. Any potential
member of the Class who mailed a written request for exclusion, in the form specified in the Notice,

1 to the third-party administrator at the address set forth in the Notice thirty (30) days after Notice was
2 sent. All persons who properly requested exclusion from the Class shall not be Class Members and
3 shall have no rights with respect to, nor be bound by, the Agreement. The names of all such
4 excluded individuals shall be attached as an exhibit to any Final Judgment.

5 6. **Costs of Notice and Administration.** The costs of notice to the Class of the
6 pendency and settlement of the Actions and of administering the settlement in the amount of \$10,000
7 shall be paid from the Gross Settlement Amount.

8 7. **Attorneys' Fees and Costs.** Attorneys Fees in an amount of equivalent of up to one
9 third (33.33%) of the Gross Settlement Amount are awarded as their reasonable attorneys' fees, in an
10 amount of \$140,250.00. The Court finds the rates and hours worked by Class Counsel reasonable
11 and awarded fees as reasonable under the common fund method, as well as under a lodestar
12 crosscheck method. Costs of suit in the amount of \$1,779 are awarded to Class Counsel, also out of
13 the Gross Settlement Amount.

14 8. **Incentive Award.** For his efforts in representing the Class, Plaintiff's request for
15 an incentive award in the amount of \$10,000 from the common fund is reasonable and is hereby
16 granted and to be paid out of the Gross Settlement Amount.

17 9. **Discretion of Counsel.** Counsel are hereby authorized to take all reasonable steps in
18 connection with administration of the settlement not materially inconsistent with this Order that they
19 jointly deem reasonable or necessary.

20 **IT IS SO ORDERED.**

21
22 Date: 5/6, 2022

23 LA
24 Judge of the Superior Court of the State of
25 California, County of San Francisco

26 **RICHARD B. ULMER**
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