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FILED
ALAMEDA COUNTY

MAR 22 2023

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

KEVIN FORD, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

HEALTHYPETS, INC.; and DOES 1
through 20, inclusive,

Defendant.

Case No. RG20064561

Assigned for All Purposes to:
Hon. Stephen Kaus
Dept. 19

SK

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND ENTERING
JUDGMENT**

Date: March 20, 2023
Time: 3:00 p.m.
Dept: 19

1 This matter came on for hearing on March 20, 2023 in Department 19 of the above-
2 captioned Court on the unopposed Motion for Final Approval of Class Action Settlement
3 pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval
4 filed November 14, 2022 and the Joint Stipulation of Settlement ("Settlement Agreement"), a
5 copy of which was filed as Exhibit 1 attached to the Declaration of Kristy R. Connolly In
6 Support of Plaintiff's Motion for Final Approval of Class Action Settlement.

7 Having received and considered the Settlement Agreement, the supporting papers filed by
8 the Parties, and the evidence and argument received by the Court in conjunction with the
9 unopposed Motion for Preliminary Approval of Class Action Settlement filed on October 4, 2022,
10 and the instant Motion for Final Approval, the Court grants final approval of the Settlement and
11 HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

12 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
13 each Class Member by first-class mail. These papers informed the Class of the terms of the
14 Settlement, their right to receive an Individual Settlement Payment, their right (a) to comment on
15 or object to the Settlement, (b) to request exclusion from the Settlement and pursue their own
16 remedies, and (c) of their right to appear in person or by counsel at the final approval hearing and
17 to be heard regarding approval of the Settlement. Adequate periods of time were provided by
18 each of these procedures. No member of the Class filed written objection to the proposed
19 Settlement as part of this notice process or stated an intention to appear at the final approval
20 hearing.

21 2. The Court finds and determines that this notice procedure afforded adequate
22 protections to Settlement Class Members and provides the basis for the Court to make an
23 informed decision regarding approval of the Settlement based on the responses of the Settlement
24 Class. The Court finds and determines that the notice provided in this case was the best notice
25 practicable, which satisfied the requirements of law and due process.

26 3. With respect to the Class and for purposes of approving this Settlement only, this
27 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous
28 that joinder of all members is impracticable; (b) there are questions of law or fact common to the

1 Class, and there is a well-defined community of interest among members of the Class with
2 respect to the subject matter of the Action; (c) the claims of Class Representative Kevin Ford are
3 typical of the claims of the members of the Class; (d) the Class Representative has fairly and
4 adequately protected the interests of the members of the Class; (e) a class action is superior to
5 other available methods for an efficient adjudication of this controversy; and (f) the counsel of
6 record for the Class Representative, i.e., Class Counsel, are qualified to serve as counsel for
7 Plaintiff in their individual and representative capacities for the Class.

8 4. The Court has certified a Class, as that term is defined in and by the terms of the
9 Settlement Agreement as all current and former non-exempt employees who are or were employed
10 by Defendant in California at any time from April 6, 2016 through July 19, 2022, and the Court
11 deems this definition sufficient for purposes of California Rule of Court 3.765(a).

12 5. The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

13 6. The Court hereby confirms Plaintiff Kevin Ford as the Class Representative in
14 this Action.

15 7. The Court finds and determines that the terms set forth in the Settlement
16 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
17 according to its terms, having found that the Settlement was reached as a result of informed and
18 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
19 that the Parties conducted extensive investigation, research, and discovery and that their attorneys
20 were able to reasonably evaluate their respective positions. The Court also finds that the
21 Settlement will enable the Parties to avoid additional and potentially substantial litigation costs,
22 as well as delay and risks if the Parties were to continue to litigate the case. The Court has
23 reviewed the monetary recovery provided as part of the Settlement and recognizes the significant
24 value accorded to the Class.

25 8. The Court further finds and determines that the terms of the Settlement are fair,
26 reasonable and adequate to the Class and to each Participating Class Member and that the
27 Settlement is ordered finally approved, and that all terms and provisions of the Settlement should
28 be and hereby are ordered to be consummated.

1 9. The Court hereby approves the Gross Settlement Amount of \$975,000.00.

2 10. The Court finds and determines that the Individual Settlement Payments to be paid
3 to Participating Class Members as provided for by the Settlement are fair and reasonable. The
4 Court hereby gives final approval to and orders the payment of those amounts be made to the
5 Participating Class Members in accordance with the Settlement Agreement.

6 11. The Court finds and determines that payment to the California Labor and
7 Workforce Development Agency of \$37,500.00 as its share of the settlement of civil penalties in
8 this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders
9 that the payment of that amount be paid in accordance with the Settlement Agreement.

10 12. The Court finds and determines that the fees and expenses in administrating the
11 Settlement incurred by Phoenix Settlement Administrators in the amount of \$9,000.00, are fair
12 and reasonable. The Court hereby gives final approval to and orders that the payment of that
13 amount in accordance with the Settlement.

14 13. The Court finds and determines the Class Representative Enhancement Award of
15 up to \$10,000.00 for Plaintiff is fair and reasonable. The Court hereby orders the Administrator
16 to make this payment to the Plaintiff/Class Representative in accordance with the terms of the
17 Settlement Agreement.

18 14. Pursuant to the terms of the Settlement, and the authorities, evidence and argument
19 submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in the sum of
20 \$325,000.00 and litigation costs of \$18,667.10. The Court finds such amounts to be fair and
21 reasonable. The Court hereby orders the Settlement Administrator to make these payments in
22 accordance with the terms of the Settlement Agreement.

23 15. Without affecting the finality of this order or the entry of judgment in any way,
24 the Court retains jurisdiction of all matters relating to the interpretation, administration,
25 implementation, effectuation, and enforcement of this order and the Settlement.

26 16. Neither Defendant nor any related persons or entities shall have any further
27 liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or liability,
28 except as provided for by the Settlement Agreement.

1 17. Neither the making of the Settlement Agreement nor the entry into the Settlement
2 Agreement constitutes an admission by Defendant, nor is this order a finding of the validity of
3 any claims in this case or of any other wrongdoing. Further, the Settlement Agreement is not a
4 concession, and shall not be used as an admission of any wrongdoing, fault, or omission of any
5 entity or persons; nor may any action taken to carry out the terms of the Settlement Agreement be
6 construed as an admission or concession by or against Defendant or any related person or entity.

7 18. Nothing in this order shall preclude any action to enforce the Parties' obligations
8 under the Settlement or under this order, including the requirement that Defendants make
9 payment to the Participating Class Members in accordance with the Settlement.

10 19. Upon completion of administration of the Settlement, the Settlement
11 Administrator will provide written certification of such completion to the Court and counsel for
12 the Parties which shall be filed with the Court five (5) court days before the non-appearance
13 compliance hearing November 27, 2023 at 3:00 p.m. in Dept. 19.

14 20. The Court hereby enters final judgment in accordance with the terms of the
15 Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement
16 filed on November 14, 2022 and this Order.

17 21. The Parties will bear their own costs and attorneys' fees except as otherwise
18 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation
19 costs.

20
21 DATED: 3-22, 2023



Honorable Stephen Kaus
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 03/23/2023 Chad Finke, Executive Officer / Clerk of the Court
PLAINTIFF/PETITIONER: Kevin Ford		By: <u><i>A. Mendola</i></u> Deputy A. Mendola
DEFENDANT/RESPONDENT: Entirelypets Pharmacy, LLC et al		
CERTIFICATE OF MAILING		CASE NUMBER: RG20064561

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Granting Final Approval of Class Action Settlement and Entering Judgment upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Jessica L Campbell
Aegis Law Firm, PC
9811 Irvine Center Drive, Suite 100
Irvine, CA 92618-

Richard Rybicki
Rybicki & Associates, P.C.
10 Executive Court
Suite 204
Napa, CA 94558-

Dated: 03/24/2023

Chad Finke, Executive Officer / Clerk of the Court

By:

A. Mendola

A. Mendola, Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
René C. Davidson Courthouse
1225 Fallon Street
Oakland, CA 94612



KH/KC

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