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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

STEVEN KANE, on behalf of
himself and other similarly-situated
employees,

Plaintiff,

vs.

SMITHFIELD DIRECT, LLC, a
Delaware Limited Liability
Company; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. 21-CV-04832 PA (JCx)
CLASS ACTION

[PROPOSED]

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

Date: August 1, 2022
Time: 1:30 p.m.
Judge: Percy Anderson
Ctrm.: 9A

Filed: April 12, 2021
Removed: June 14, 2021

1 The Court, having fully reviewed Plaintiff's Motion for an Order Granting
2 Final Approval of Class Action Settlement and Entering Judgment pursuant to this
3 Court's Order Granting Preliminary Approval of Class Action Settlement [Dkt.
4 37] and the Stipulation of Class Action and PAGA Settlement and Release of
5 Claims Class ("Settlement Agreement") [Dkt. 34-3]. Pursuant to the Preliminary
6 Approval Order, Class Members were given notice of the terms of the proposed
7 settlement as set forth in Section 7 of the Notice of Class Action Settlement, and
8 the opportunity to comment upon, request to be excluded or object to the
9 Settlement or any of its terms. Having received and considered the proposed
10 Settlement, the supporting papers filed by the Parties, and the evidence and
11 argument received by the Court in conjunction with the Motion for Preliminary
12 Approval of Class Action Settlement [Dkt. 34], the Motion for Order Granting
13 Award of Attorneys' Fees, Litigation Costs, Class Representative Service
14 Payment, and Administration Expenses [Dkt. 38], and the Motion for Order
15 Granting Final Approval of Class Action Settlement and Entering Judgment, the
16 Court grants final approval of the settlement as set forth in the Settlement
17 Agreement and MAKES THE FOLLOWING DETERMINATIONS AND
18 ORDERS:

19 1. Pursuant to the Order Granting Preliminary Approval of Class Action
20 Settlement, the Court-approved Notice of Class Action Settlement, Change of
21 Address form, and a pre-printed return envelope ("Notice Packet") were mailed to
22 all Class Members by first-class mail. The Notice Packet notified Class Members
23 of their rights (1) to receive their share of the Settlement without a claim form, (2)
24 the manner in which to submit written objections to the Settlement, and the
25 deadline to do so; (3) to request exclusion from the Class, and the deadline to do
26 so; (4) to appear at the Final Approval Hearing, and (5) the information on which
27 their Settlement Payment would be calculated, and the estimated amount of their
28 Settlement Payments if they did not return a request for exclusion.

1 2. The Court finds and determines this notice procedure afforded
2 adequate protections to Class Members and provides the basis for the Court to
3 make an informed Settlement approval decision based on the response of the
4 Class. No objections or requests for exclusion were presented by any Class
5 Member. The Court finds and determines the notice was the best notice
6 practicable, and it satisfied the requirements of law and due process.

7 3. The Court finds and determines the terms of the Settlement are fair,
8 reasonable and adequate to the Class and each Class Member and the Settlement
9 is ordered finally approved. All terms and provisions of the Settlement should be
10 and are ordered to be consummated subject to the Effective Date expiration
11 periods and other conditions set forth in the Settlement Agreement.

12 4. The Court confirms the law firms of Cohelan Khoury & Singer and
13 Davtyan Law Firm, Inc., as Class Counsel.

14 5. The Court confirms Plaintiff Steven Kane as Class Representative.

15 6. The Court finds and determines the Settlement Payments to 47
16 Participating Class Members provided for by the Settlement Agreement are fair
17 and reasonable. The Court grants final approval to and orders, following the
18 Effective Date expiration period and other conditions set forth in the Settlement
19 Agreement, payment of those amounts in accordance with the Settlement
20 Agreement.

21 7. The Court finds that Class Counsel, Cohelan, Khoury & Singer,
22 Davtyan Law Firm, Inc., having conferred a benefit on absent Class Members and
23 having expended efforts to secure a benefit to the Class, is entitled to a fee and
24 accordingly, the Court approves the application of Class Counsel for an award of
25 \$116,666.00 for their attorneys' fees.

26 8. The Court further finds that Class Counsels' out-of-pocket litigation
27 expenses of \$16,293.78 are reasonable and necessary to the prosecution of this
28 Action and accordingly, the Court approves Class Counsel's application for an

1 award of \$16,293.78 for out-of-pocket litigation expenses.

2 9. The Court approves a Class Representative Service Payment to
3 Plaintiff Steven Kane of \$10,000.00.

4 10. The Court approves the fees and expenses to CPT Group, Inc., the
5 Court-appointed Settlement Administrator of \$6,500 as fair and reasonable.

6 11. The Court finds and determines the PAGA Payment in the amount of
7 \$11,250.00 to be paid to the California Labor and Workforce Development
8 Agency representing the 75% share of the \$15,000.00 for civil penalties is fair,
9 adequate and reasonable, and \$3,750.00 representing 25% share of the \$15,000.00
10 civil penalties to be paid to eligible PAGA Members are fair and reasonable and
11 orders that these amounts be paid in accordance with the Settlement Agreement.

12 12. Without affecting the finality of this Order in any way, the Court
13 retains jurisdiction of all matters relating to the interpretation, administration,
14 implementation, and enforcement of this Order and the Settlement.

15 13. Nothing in this Order shall preclude any action to enforce the Parties'
16 obligations under the Settlement or under this Order.

17 14. The Parties are ordered to comply with the terms of the Settlement.

18 15. The Parties shall bear their own costs and attorneys' fees except as
19 provided by the Settlement Agreement and this Order.

20
21 IT IS SO ORDERED.

22
23 Dated: _____, 2022

24 _____
25 Honorable Percy Anderson
26 United States District Court Judge
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