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12 Attorneys for Plaintiffs RALPH GRAY, JR.; DAVID JARRELL;
13 ROBERT MILLEMAN; ORVILLE OSBORNE; JEFFREY
14 SNYDER; and DENNIS SPOHR, INC. and the certified classes

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

12 RALPH GRAY, JR.; DAVID JARRELL;
13 ROBERT MILLEMAN; ORVILLE
14 OSBORNE; JEFFREY SNYDER; and
15 DENNIS SPOHR on behalf of themselves
16 and other similarly situated,

Plaintiffs,

v.

HANSEL FORD, INC.,

Defendant.

CASE NO.: SCV258850

*Assigned for all purposes to the
Honorable Patrick Broderick, Dept. 16*

**[PROPOSED] FINAL APPROVAL ORDER
AND JUDGMENT**

*[Memorandum of Points of Authorities; Notice
of Motion; and Declaration of Tim Cunningham
filed concurrently herewith]*

Date: December 15, 2021
Time: 3:00 pm
Dept: 16

TAC Filed: October 14, 2016
SAC Filed: September 21, 2016
FAC Filed: October 18, 2021
Complaint Filed: May 24, 2016
Trial Date: None

1 This matter has come before the Honorable Patrick Broderick in Department 16 of the
2 above-entitled Court, located at 3055 Cleveland Avenue, Santa Rosa, California 95403, on
3 Plaintiffs Ralph Gray, Jr.; David Jarrell; Robert Milleman; Orville Osborne; Jeffrey Snyder;
4 and Dennis Spohr (“Plaintiffs”) Motion for Final Approval of Class Action Settlement, and
5 Motion for Attorneys’ Fees, Litigation Costs, and Enhancement Payments (collectively
6 “Motion for Final Approval”). Weinberg, Roger & Rosenfeld appeared on behalf of Plaintiffs,
7 and Fisher & Phillips LLP appeared on behalf of Defendant Hansel Ford, Inc. (“Defendant”).
8 On August 4, 2021, the Court entered the Order Granting Preliminary Approval of Class Action
9 Settlement (“Preliminary Approval Order”), thereby preliminarily approving the settlement of
10 the above-entitled action (“Action”) in accordance with the Joint Stipulation and Settlement
11 Agreement of Class Action and PAGA Claims (together, “Settlement,” “Agreement,” or
12 “Settlement Agreement”), which, together with the exhibits annexed thereto, set forth the terms
13 and conditions for settlement of the Action.

14 Having reviewed the Settlement Agreement and duly considered the parties’ papers and
15 oral argument, and good cause appearing,

16 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS**
17 **FOLLOWS:**

18 1. All terms used herein shall have the same meaning as defined in the Settlement
19 Agreement and the Preliminary Approval Order.

20 2. This Court has jurisdiction over the claims of the Settlement Class Members
21 asserted in this proceeding and over all parties to the Action.

22 3. The Court finds that the applicable requirements of California Code of Civil
23 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with
24 respect to the Settlement Class Members and the Settlement. The Court hereby makes final its
25 earlier provisional certification of the Settlement Class Members for settlement purposes, as set
26 forth in the Preliminary Approval Order. The Settlement Class is hereby defined to include:

27 All current and former technicians or mechanics who were employed by Hansel
28 Ford, Inc. within the State of California during the time period from May 24,
2012 to August 4, 2021 (“Settlement Class Members”).

1 4. Notice of Class Action Settlement (“Notice”) that was provided to the
2 Settlement Class Members fully and accurately informed the Settlement Class Members of all
3 material elements of the Settlement and of their opportunity to participate in, object to or
4 comment thereon, or to seek exclusion from, the Settlement; was the best notice practicable
5 under the circumstances; was valid, due, and sufficient notice to all Settlement Class Members;
6 and complied fully with the laws of the State of California, the United States Constitution, due
7 process and other applicable law. The Notice fairly and adequately described the Settlement
8 and provided the Settlement Class Members with adequate instructions and a variety of means
9 to obtain additional information.

10 5. Pursuant to California law, the Court hereby grants final approval of the
11 Settlement and finds that it is reasonable and adequate, and in the best interests of the
12 Settlement Class Members as a whole. More specifically, the Court finds that the Settlement
13 was reached following meaningful discovery and investigation conducted by Weinberg, Roger
14 & Rosenfeld (“Class Counsel”); that the Settlement is the result of serious, informed,
15 adversarial, and arms-length negotiations between the parties; and that the terms of the
16 Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court has
17 considered all of the evidence presented, including evidence regarding the strength of
18 Plaintiffs’ claims; the risk, expense, and complexity of the claims presented; the likely duration
19 of further litigation; the amount offered in the Settlement; the extent of investigation and
20 discovery completed; and the experience and views of Class Counsel. The Court has further
21 considered the absence of objections to and requests for exclusion from the Settlement
22 submitted by Settlement Class Members. Accordingly, the Court hereby directs that the
23 Settlement be affected in accordance with the Settlement Agreement and the following terms
24 and conditions.

25 6. A full opportunity has been afforded to the Settlement Class Members to
26 participate in the Final Approval Hearing, and all Settlement Class Members and other persons
27 wishing to be heard have been heard. The Settlement Class Members also have had a full and
28 fair opportunity to exclude themselves from the Settlement. Accordingly, the Court determines

1 that all Settlement Class Members who did not timely and validly opt out of the Settlement
2 (“Participating Class Members”) are bound by this Final Approval Order and Judgment.

3 7. The Court finds that payment of Administration Costs in the amount of
4 \$7,500.00 is appropriate for the services performed and costs incurred and to be incurred for
5 the notice and settlement administration process. It is hereby ordered that the Claims
6 Administrator, CPT Group, Inc. shall issue payment to itself in the amount of \$7,500.00 in
7 accordance with the terms and methodology set forth in Settlement Agreement.

8 8. The Court finds that the Enhancement Payments sought are fair and reasonable
9 for the work performed by Plaintiffs on behalf of the Settlement Class Members. It is hereby
10 ordered that the Claims Administrator issue payment in the amount of \$3,000.00 each to
11 Plaintiffs Ralph Gray, Jr.; David Jarrell; Robert Milleman; Orville Osborne; Jeffrey Snyder;
12 and Dennis Spohr as their Enhancement Payments, according to the terms and methodology set
13 forth in the Settlement Agreement.

14 9. The Court finds that the allocation of \$10,000.00 toward penalties under the
15 California Private Attorneys General Act of 2004 (“PAGA penalties”), is fair, reasonable, and
16 appropriate, and hereby approved. Defendant shall separately remit \$7,500.00 to the Claims
17 Administrator at the same time that it remits the Gross Settlement amount, upon which the
18 Claims Administrator will remit it to the California Labor & Workforce Development Agency
19 (“LWDA”) The remaining \$2,500.00 will be part of the Net Settlement Amount for
20 Distribution to Participating Class Members, according to the terms and methodology set forth
21 in the Settlement Agreement.

22 10. The Court finds that the request for attorneys’ fees in the amount of \$388,253.00
23 to Class Counsel falls within the range of reasonableness, and the results achieved justify the
24 award sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and
25 appropriate, and are hereby approved. It is hereby ordered that the Claims Administrator issue
26 payment in the amount of \$388,253.00 to Weinberg, Roger & Rosenfeld, in accordance with
27 the terms and methodology set forth in the Settlement Agreement.
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11. The Court finds that reimbursement of litigation costs and expenses in the amount of \$55,823.43 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the Claims Administrator issue payment in the amount of \$55,823.43 to Weinberg, Roger & Rosenfeld for reimbursement of litigation costs and expenses, in accordance with the terms and methodology set forth in the Settlement Agreement.

12. The Court hereby enters Judgment by which Participating Class Members shall be conclusively determined to have given a release of any and all Released Claims against the Released Parties, as set forth in the Settlement Agreement and Notice.

13. It is hereby ordered that Defendant shall deposit the Gross Settlement Amount into an account established by the Claims Administrator within ten (10) business days of the Effective Date, in accordance with the terms and methodology set forth in the Settlement Agreement.

14. It is hereby ordered that the Claims Administrator shall distribute Individual Settlement Payments to the Participating Class Members within thirty (30) calendar days of the Effective Date, according to the methodology and terms set forth in the Settlement Agreement.

15. After entry of this Final Approval Order and Judgment, pursuant to California Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate any dispute arising from or in connection with the distribution of settlement benefits.

16. Notice of entry of this Final Approval Order and Judgment shall be given to the Settlement Class Members by posting a copy of the Final Approval Order and Judgment on CPT Group, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order and Judgment. Individualized notice is not required.

By: HON. PATRICK BRODERICK

1 **PROOF OF SERVICE (CCP §1013)**

2 I am a citizen of the United States and resident of the State of California. I am
3 employed in the County of Alameda, State of California, in the office of a member of the bar
4 of this Court, at whose direction the service was made. I am over the age of eighteen years and
5 not a party to the within action.

6 On November 19, 2021, I served the following documents in the manner described
7 below:

8 **[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT**

- 9 ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of
10 Weinberg, Roger & Rosenfeld for collection and processing of correspondence for
11 mailing with the United States Postal Service, and I caused such envelope(s) with
postage thereon fully prepaid to be placed in the United States Postal Service at
Emeryville, California.
- 12 ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy
13 through Weinberg, Roger & Rosenfeld's electronic mail system from
hwebb@unioncounsel.net to the email addresses set forth below.

14
15 On the following part(ies) in this action:

16 Mr. Karl R. Lindegren
17 Fisher & Phillips LLP
2050 Main Street, Ste. 1000
Irvine, CA 92614
18 E-Mail: klindegren@fisherphillips.com
cahearn@fisherphillips.com

19 *ATTORNEYS FOR DEFENDANT*

Mr. Hassan A. Aburish
Mr. Vincent J. Adams
Fisher & Phillips LLP
One Embarcadero Center, Suite 2050
San Francisco, CA 94111
Email: haburish@fisherphillips.com
vadams@fisherphillips.com

20 *ATTORNEYS FOR DEFENDANT*

21 I declare under penalty of perjury under the laws of the United States of America that
22 the foregoing is true and correct. Executed on November 19, 2021, at Emeryville, California.

23 
24 Heidi Webb

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