

1 JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
2 POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
3 ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
4 HAMMONDLAW, P.C.
1201 Pacific Ave., 6th Floor
5 Tacoma, WA 98402
Tel. (310) 601-6766
6 Fax:(310) 295-2385

7 WILLIAM C. JHAVERI-WEEKS (SBN 289984)
wjw@jhaveriweeks.com
8 SARAH ABRAHAM (SBN 326098)
sa@jhaveriweeks.com
9 ALLY N. GIROUARD (SBN 336625)
ag@jhaveriweeks.com
10 THE JHAVERI-WEEKS FIRM, P.C.
351 California Street, Suite 700
11 San Francisco, CA 94104
Tel.: (415) 463-8097
12 Fax: (415) 367-1439

13 *Attorneys for Plaintiffs and the Putative Class*

14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15
16 **COUNTY OF RIVERSIDE**

17 **PAUL FOSTER and ROY BLANCO,**
18 individually and on behalf of all others similarly
situated,

19 Plaintiffs,

20 v.

21 **EMBRY-RIDDLE AERONAUTICAL**
22 **UNIVERSITY, INC.,** a Florida Non-Profit
23 Corporation,

24 Defendant.
25
26
27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 02 2024

E. Escobedo

Case No. CVRI2202995

**REVISED ~~PROPOSED~~ JUDGMENT AND
ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: February 2, 2024

Time: 8:30 a.m.

Dept. 1

1 This matter is before the Court on Plaintiffs' unopposed Motion for Order Granting Final
2 Approval of Class Action Settlement and Motion for Approval of Attorneys' Fees and Costs and Class
3 Representatives' Enhancement Awards. The Motions, having been fully considered by the Court, are
4 ruled upon as follows:

5 1. The Amended Class Action Settlement Agreement, file on July 20, 2023 as **Exhibit 1** to
6 the Declaration of Sarah Abraham in Support of Plaintiffs' Motion for Preliminary Approval of Class
7 Action Settlement, is fully and finally approved and is hereby incorporated by reference and all defined
8 terms therein shall have the same meaning in this Order as set forth in the Settlement Agreement.

9 2. Pursuant to California Rules of Court, Rule 3.769(d), this Court makes final the
10 conditional class certification contained in the Order Granting Preliminary Approval of Class Action
11 Settlement, and thus certifies class for the purposes of settlement defined as: all persons who were
12 employed by Defendant in California as part-time adjunct instructors from January 21, 2018 to July 17,
13 2023.

14 3. Plaintiffs are appointed and designated, for all purposes, as Class Representatives, and
15 HammondLaw, P.C. and The Jhaveri-Weeks Firm, P.C. are appointed and designated as co-counsel for
16 the Class. The Court finds that attorneys for the Class are experienced class action litigators and have
17 expressed the view that the Settlement is fair, reasonable, and adequate, which further supports approval
18 of the Settlement.

19 4. The Court hereby finds that Class Notice has been sent to Class Members as previously
20 ordered by the Court, and that such Notice fairly and adequately described the terms of the proposed
21 Settlement Agreement and the manner in which Class Members could object to or opt-out of the
22 settlement; was the best notice practicable under the circumstances; and complied fully with California
23 Rule of Court 3.769, and all other applicable laws.

24 5. In response to the Notice, no Class Member requested exclusion. The Court further finds
25 that a full and fair opportunity has been afforded to Class Members to participate in the proceedings
26 convened to determine whether the Settlement Agreement should be given final approval. Accordingly,
27 the Court hereby determines that all Class Members who did not file a timely and proper request to be
28 excluded from the settlement shall be deemed to have released the Released Parties from all Settlement
Class Member Released Claims.

6. In response to the Notice, one Class Member submitted an Objection. The objection
provides no basis for finding the settlement unfair, and the Court overrules the objection.

1 7. The Court hereby finally and unconditionally approves the Settlement Agreement, and
2 enters judgment, and specifically:

3 a. Approves the Gross Settlement of \$559,482.76;
4 b. Approves the application for enhancement awards to each Class Representative in
the amount of \$7,500;

5 c. Approves Class Counsels' request for an award of \$186,494.25, representing 1/3
6 of the Gross Settlement Amount, as reasonable attorneys' fees, to be distributed as follows: \$93,247.12
7 to The Jhaveri-Weeks Firm, P.C. and \$93,247.13 to HammondLaw P.C.

8 d. Approves Class Counsel's hourly rates as reasonable, and within the range of
9 market rates that attorneys with similar levels of skill, experience and reputation for handling matters of
similar complexity; and finds that the fees' request is justified under the lodestar/multiplier analysis.

10 e. Approves Class Counsel's request for reimbursement of litigation costs of
11 \$15,395.50, to be distributed as follows: \$504.57 to The Jhaveri-Weeks Firm, P.C. and \$14,890.93 to
12 HammondLaw;

13 f. Approves payment to the Settlement Administrator of \$6,000 as costs of
14 settlement administration; and

15 g. Approves the allocation of \$10,000 as payment for penalties under the California
Labor Code Private Attorney Generals Act ("PAGA");

16 h. Approves the payment from the Net Settlement of amounts determined by the
17 Settlement Administrator to be due to the Class Members.

18 i. All envelopes transmitting the settlement checks shall bear the notation, "YOUR
19 CLASS ACTION SETTLEMENT CHECK IS ENCLOSED." All settlement check shall be negotiable
20 for 90 days following the date of mailing. The Settlement Administrator shall mail a reminder postcard
21 to all Class Members whose check has not been negotiated within 60 days from the date of mailing. If
22 (i) any of the Class Members are current employees of the Defendant, (ii) the check mailed to those Class
23 Members is returned as undeliverable, and (iii) the Settlement Administrator is unable to locate a valid
24 mailing address, the Settlement Administrator shall arrange with the Defendant to have those
distributions delivered to the Class Members at their place of employment.

25 8. Pursuant to CRC Rule 3.771(b), the Settlement Administrator shall give Notice of Entry
26 of Judgment by promptly posting this Judgment and Order on the Settlement Administrator's website.

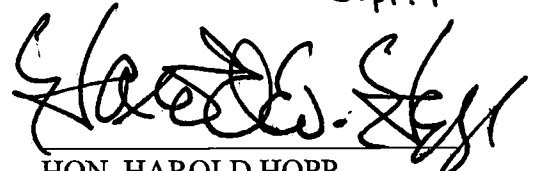
27 9. Pursuant to California Code of Civil Procedure § 384, on or before September 13, 2024,
28 Plaintiffs shall submit a report in the form of a declaration from the Settlement Administrator and describe

(i) the date the checks were mailed, (ii) the total number of checks mailed to class members, (iii) the average amount of those checks, (iv) the number of checks that remain uncashed, (v) the total value of those uncashed checks (broken down by settlement shares and PAGA shares), (vi) the average amount of the uncashed checks, and (vii) the nature and date of the disposition of those unclaimed funds. Plaintiffs shall also submit an Amended Judgment that complies with CCP §§384(b) and 384.5, and Gov. Code §68520, and that directs payment of the uncashed checks to the designated *cy pres* beneficiary: Legal Aid Foundation of Los Angeles, Attn: Development Department, 1550 W. 8th Street, Los Angeles, CA 90017. The PAGA portion of uncashed Settlement Checks will be distributed to the LWDA.

10. Pursuant to California Rule of Court 3.769(h), the Court retains exclusive and continuing jurisdiction over the litigation to enforcing the terms of the judgment, and supervising, implementing, interpreting, and enforcing this Final Approval Order and the Settlement Agreement. *Final Report - (Nonappearance) hearing set for September 20th, 2024 at 8:30 am*
IT IS SO ORDERED AND ADJUDGED. *Dept. 1*

Dated:

2/2/24



HON. HAROLD HOPP
SUPERIOR COURT JUDGE