

MAR 06 2020

ADRIENNE Y. CALIP CLERK

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF MADERA**

12 LUIS LOPEZ, individually, and on behalf of
13 other members of the general public similarly
14 situated; MICAELA BOUCHER, individually,
15 and on behalf of other members of the general
16 public similarly situated;

17 Plaintiffs,

18 vs.

19 EURODRIP U.S.A., INC., an unknown
20 business entity; RIVULIS IRRIGATION,
21 INC., a California corporation; and DOES 1
22 through 100, inclusive,

23 Defendants.

Case No.: MCV076823

Honorable James E. Oakley
Department 45

CLASS ACTION

~~PROPOSED~~ JEO
**FINAL APPROVAL
ORDER AND JUDGMENT**

Date: March 6, 2020
Time: 8:30 a.m.
Department: 45

Complaint Filed: February 1, 2018
FAC Filed: March 8, 2018
Trial Date: None Set

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~~PROPOSED~~ JEO
FINAL APPROVAL ORDER AND JUDGMENT

1 This matter has come before the Honorable James E. Oakley in Department 45 of the
2 above-entitled Court, located at Historic Madera Courthouse, 200 South "G" Street, Madera,
3 California 93637, on Plaintiffs Luis Lopez and Michaela Boucher's ("Plaintiffs") Motion for Final
4 Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement Payments
5 ("Motion for Final Approval"). Lawyers for Justice, PC appeared on behalf of Plaintiffs and Pettit
6 Kohn Ingrassia Lutz & Dolin PC appeared on behalf of Defendants Eurodrip U.S.A., Inc. and
7 Rivulis Irrigation, Inc. ("Defendants").

8 On September 23, 2019, the Court entered the Order Granting Preliminary Approval of
9 Class Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the
10 settlement of the above-entitled action ("Action") in accordance with the Joint Stipulation of Class
11 Action Settlement and Release of Claims ("Settlement," "Agreement," or "Settlement
12 Agreement"), together with the exhibits annexed thereto, set forth the terms and conditions for
13 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 FOLLOWS:**

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

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

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

26 All current and former hourly-paid or non-exempt employees who worked
27 for any of the Defendants within the State of California at any time during
28 the period from February 1, 2014 to September 23, 2019 ("Class" or "Class
Members").

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

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

23 6. A full opportunity has been afforded to the Class Members to participate in the
24 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
25 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
26 the Settlement. Accordingly, the Court determines that all Class Members who did not submit a
27 timely and valid Exclusion Request to the Claims Administrator ("Settlement Class Members")
28 are bound by this Final Approval Order and Judgment.

1 7. The Court finds that the Claims Administration Costs in the amount of \$10,000 are
2 appropriate for the services performed and costs incurred and to be incurred for the notice and
3 settlement administration process. It is hereby ordered that the Claims Administrator, Phoenix
4 Settlement Administrators, shall issue payment in the amount of \$10,000 for Claims
5 Administration Costs, in accordance with the Settlement Agreement.

6 8. The Court finds that the Enhancement Payments sought are fair and reasonable for
7 the work performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Claims
8 Administrator issue payments in the amount of \$6,500 to Plaintiff Luis Lopez and \$6,500 to
9 Plaintiff Micaela Boucher for their Enhancement Payments, according to the terms set forth in the
10 Settlement Agreement.

11 9. The Court finds that the request for Attorneys' Fees in the amount of \$350,000 to
12 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
13 sought. The requested Attorneys' Fees to Class Counsel are fair, reasonable, and appropriate, and
14 are hereby approved. It is hereby ordered that the Claims Administrator issue payment in the
15 amount of \$350,000 to Lawyers *for* Justice, PC for the Attorneys' Fees, in accordance with the
16 Settlement Agreement.

17 10. The Court finds that Costs in the amount of \$11,310.37 to Class Counsel are
18 reasonable, and hereby approved. It is hereby ordered that the Claims Administrator issue payment
19 in the amount of \$11,310.37 to Lawyers *for* Justice, PC for Costs, in accordance with the
20 Settlement Agreement.

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

24 12. It is hereby ordered that Defendants shall fund the Settlement in accordance with
25 the methodology and terms set forth in the Settlement Agreement.

26 13. It is hereby ordered that the Claims Administrator shall distribute Individual
27 Settlement Payments by way of checks to Class Members who did not opt out of the Settlement
28 and who submitted timely and valid, or otherwise accepted, Claim Forms ("Qualified Class


Members”), in accordance with the methodology and terms set forth in the Settlement Agreement.

14. It is ordered that any and all Individual Settlement Payments checks issued to Qualified Class Members that are not negotiated within one hundred eighty (180) calendar days after the date on which they are issued will be cancelled and the funds associated with such cancelled checks and any interest that has accrued thereon (if the funds were held by the Claims Administrator in an interest-bearing account), will be transmitted in equal shares to Court Appointed Special Advocates for Children – Fresno and Madera Counties.

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 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix Settlement Administrators 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.

Dated: 3-6-2020


HONORABLE JAMES E. OAKLEY
JUDGE OF THE SUPERIOR COURT

IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF MADERA

Luis Lopez et al	)	Case No.	MCV076823
Plaintiff/Petitioner,	)	Event Date:	March 6, 2020
	)	Event Type:	Motion Hearing
VS.	)	Judge:	James Oakley
	)	Clerk:	Amy Fleming
Eurodrip U.S.A. et al	)	Reporter:	Michelle Patty
Defendant/Respondent.)	<input type="checkbox"/> INTERPRETER	
	)	Companion Cases:	

Minutes

Appearances: ☐ No appearances ☒ Matter heard by Court call

<input type="checkbox"/> Party: <u>Luis Lopez</u>	Attorney: <u>Melissa Huether</u>
<input type="checkbox"/> Party: <u>Eurodrip, USA</u>	Attorney: <u>Shannon Finley</u>
<input type="checkbox"/> Party: _____	Attorney: _____
<input type="checkbox"/> Party: _____	Attorney: _____
<input type="checkbox"/> Party: _____	Attorney: _____

- ☒ Court calls the matter for the record on the Final Approval of the Class Action Settlement.
- ☒ Court notes it has read the moving papers, including the declaration's submitted.
- ☒ Court is satisfied with the settlement and finds it fair and equitable.
- ☒ Court further finds the costs and attorney's fees are reasonable.
- ☒ Court further states there were no objections.

COURT ORDERS:

- ☒ Court finds all notices were given as required by law.
- ☒ Court approves the settlement.
- ☒ Court signs the final approval and judgment.
- ☒ Court notes this matter is concluded.