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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 15 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE—CENTRAL JUSTICE CENTER

ADAM LAKE, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

DISCOUNT COURIER SERVICES, INC., a
California corporation, as known as "DCS
DELIVERY," and DOES 1 through 100,
inclusive,

Defendants

Case No. 30-2019-01053301-CU-OE-CXC
JUDGE: Hon. William Claster

**REVISED [PROPOSED] ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
AWARD OF ATTORNEYS' FEES,
LITIGATION COSTS, CLASS
REPRESENTATIVE ENHANCEMENTS,
AND CLAIMS ADMINISTRATION
COSTS; JUDGMENT**

Date: October 15, 2021
Time: 9:00 a.m.
Dept.: CX104

Reservation No. 73613471

1 This matter came on for hearing on October 15, 2021 at 9:00 a.m. in Department CX104 of
2 the above-captioned court on Plaintiffs' Motion for Final Approval of Class Action Settlement
3 ("Settlement").

4 In accordance with the Court's prior Preliminary Approval Order, Settlement Class
5 Members have been given notice of the terms of the Settlement and the opportunity to submit a
6 claim, request exclusion, comment upon or object to it or to any of its terms. Having received and
7 considered the Settlement, the supporting papers filed by the Parties, and the evidence and argument
8 received by the Court in conjunction with the motions for preliminary approval, final approval, and
9 attorneys' fees and costs, the Court grants final approval of the Settlement and HEREBY ORDERS
10 AND MAKES THE FOLLOWING DETERMINATIONS:

11 1. Pursuant to this Court's Preliminary Approval Order, a Notice of Class Action
12 Settlement, Claim form, and a pre-printed, postage paid return envelope were sent to each
13 Settlement Class Member by First Class U.S. mail. The Notice informed the class of the terms of
14 the Settlement, their right to receive their proportional share of the Settlement by submitting a valid
15 and timely Proof of Claim form, their right to request exclusion, their right to comment upon or
16 object to the Settlement, and their right to appear in person or by counsel at the final approval and
17 fairness hearing and be heard regarding approval of the Settlement. Adequate periods of time were
18 provided by each of these procedures. No member of the Settlement Class filed written objections
19 to the proposed Settlement as part of this notice process or stated an intention to appear at the final
20 approval and fairness hearing.

21 2. For purposes of this Order and Judgment, the Class is defined as follows: "All
22 drivers utilized by Discount Courier Services, Inc. in the State of California from January 26, 2013
23 to December 31, 2019."

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

1 4. The Court further finds and determines that the terms of the Settlement are fair,
2 reasonable and adequate to the Settlement Class and to each Settlement Class member and that the
3 Settlement is ordered finally approved, and that all terms and provisions of the Settlement
4 Agreement, including the release of claims contained therein, should be and hereby are ordered to
5 be consummated.

6 5. The Court finds and determines that the individual settlement payments to be paid
7 to the participating Settlement Class members as provided for by the Settlement are fair and
8 reasonable. The Court hereby gives final approval to and orders the payment of those amounts be
9 made to the participating Settlement Class Members in accordance with the terms of the Settlement
10 Agreement.

11 6. The Court gives final approval to and orders that the following payments be made
12 in accordance with the terms of the Settlement Agreement:

- 13 a. The Court grants an award of attorneys' fees of \$75,000.00, equal to 30% of the
14 Maximum Settlement Amount. The attorney fee award is divided as follows:
15 \$45,000.00 to Hamner Law Offices and \$30,000.00 Olsen Law Offices, APC;
- 16 b. The Court grants reimbursement of litigation costs of \$7,079.55. The litigation
17 costs shall be divided as follows: \$5,584.55 to Olsen Law Offices, APC, and
18 \$1,435.00 to Hamner Law Offices, APC;
- 19 c. The Court grants allocations under the Private Attorneys General Act of
20 \$20,000.00, with \$15,000.00 to be provided to the California Labor Workforce
21 Development Agency, and \$5,000.00 to be distributed pro-rata to the Settlement
22 Class;
- 23 d. The Court awards a class representative enhancement of \$5,000.00 to Plaintiff
24 Adam Lake; and
- 25 e. \$8,500.00 in administration costs payable to Phoenix Settlement Administrators
26 for its services as Claims Administrator.

27 7. Without affecting the finality of this Order and Judgment in any way, the Court
28 retains jurisdiction of all matters relating to the interpretation, administration, implementation,

1 effectuation and enforcement of this order and the Settlement pursuant to California Rule of Court
2 3.769(h).

3 8. Nothing in this Order and Judgment shall preclude any action to enforce the Parties'
4 obligations under the Settlement Agreement or hereunder, including the requirement that Defendant
5 makes payments to the participating Settlement Class Members in accordance with the Settlement
6 Agreement.

7 9. The Court hereby enters final Judgment in this case in accordance with the terms of
8 the Settlement Agreement, Order Granting Preliminary Approval, and this Order and Judgment
9 Granting Final Approval of Class Action Settlement.

10 10. The Parties are hereby ordered to comply with the terms of the Settlement
11 Agreement.

12 11. The Parties shall bear their own costs and attorneys' fees except as otherwise
13 provided by the Settlement Agreement and this Order and Judgment Granting Final Approval of
14 Class Action Settlement.

15 12. This document shall constitute a Judgment for purposes of California Rule of Court
16 3.769(h).

17
18 **IT IS SO ORDERED.**

19 DATED: 10-15-21



The Honorable William Claster
Judge of the Superior Court of California