

1 This matter came before the Court on March 16, 2010, for final approval of the Class Action
2 Settlement. The Parties have submitted their Joint Stipulation of Settlement and Release (“Stipulation”)
3 evidencing their proposed settlement (the “Class Action Settlement”) and Plaintiffs submitted their
4 Motion for Preliminary Approval of Class Action Settlement, which this Court preliminarily approved
5 in its November 9, 2009 Order. In accordance with the preliminary approval order, Class Members
6 have been given notice of the terms of the Class Action Settlement and the opportunity to object to it or
7 to exclude themselves from its provisions.

8
9 Having received and considered the Class Action Settlement, the Motion for Order Granting
10 Final Approval of Class Action Settlement (“Motion for Final Approval”) and the Motion for Award of
11 Attorneys’ Fees, Costs, Claims Administration Expenses and Class Representative Enhancements
12 (“Motion for Fees and Costs”), and the evidence received by the Court in connection with the final
13 approval hearing on March 16, 2010, the Court grants final approval to the Class Action Settlement, and
14 HEREBY ORDERS and MAKES DETERMINATIONS as follows:

15
16 All terms used herein shall have the same meaning as defined in the Stipulation.

17
18 Pursuant to California Code of Civil Procedure and due process, the Court hereby finally
19 approves the Class Action Settlement as set forth in the Stipulation and Motion for Final Approval and
20 finds that the Class Action Settlement is, in all respects, fair, reasonable and adequate to the Class and to
21 each Class Member and that the Class Members who have not opted out shall be bound by the Class
22 Action Settlement, that the Class Action Settlement is ordered finally approved, and that all terms and
23 provisions of the Class Action Settlement should be and hereby are ordered to be consummated. The
24 Court further finds that the Class Action Settlement was entered into in good faith following arms-
25 length negotiations and is non-collusive, and that this Class as defined in the Class Action Settlement be
26 certified for settlement purposes only. There were no objections to the Class Action Settlement.

1 Excluded from the Class Action Settlement are Twenty-Six (26) persons who submitted valid
2 and timely requests for exclusion. Every person in the Class who did not submit a valid and timely
3 exclusion form is a Class Member.

4
5 The Class Action Settlement is not an admission by any of the Released Parties, nor is this
6 Judgment a finding of the validity of any claims in this Action or of any wrongdoing by any of the
7 Released Parties. Neither this Judgment, the Stipulation, the Class Action Settlement, nor any
8 documents referred to herein, nor any action taken to carry out the Class Action Settlement is, may be
9 construed as, or may be used as an admission by or against the Released Parties of any fault,
10 wrongdoing or liability whatsoever. The entering into or carrying out of the Stipulation, Class Action
11 Settlement, and any negotiations or proceedings related thereto, shall not in any event be construed as,
12 or deemed to be evidence of, an admission or concession with regard to the denials or defenses of the
13 Released Parties and shall not be offered in evidence in any action or proceeding against the Released
14 Parties in any court, administrative agency or other tribunal for any purpose whatsoever other than to
15 enforce the provisions of this Judgment, Stipulation, the Class Action Settlement, or any related
16 agreement or release. Notwithstanding these restrictions, any of the Released Parties may file in the
17 Action or in any other proceeding the Judgment, Stipulation, or any other papers and records on file in
18 this Action as evidence of the Class Action Settlement to support a defense of res judicata, collateral
19 estoppel, release, or other theory of claim or issue preclusion or similar defense as to the Released
20 Claims.

21
22 Pursuant to the Stipulation and Class Action Settlement, all Class Members (except for those
23 Twenty-Six (26) persons who submitted valid and timely requests for exclusion) are permanently barred
24 from prosecuting against Defendant, and its former and present parent, subsidiaries, and affiliated
25 corporations and entities, and each of their respective officers, directors, employees, partners,
26 shareholders and agents, and any other successors, assigns, or legal representatives, any individual or
27 class claims that were released as set forth in the Stipulation, excluding FLSA claims only, by those
28 Class Members who did not submit claims forms pursuant to the Class Action Settlement.

1 The parties are hereby ordered to comply with the terms of the Class Action Settlement.
2 Defendant shall make available a Maximum Payment of \$1,425,000 from which the settlement
3 administrator, CPT Group, shall distribute checks representing the individual settlement amounts, as
4 provided for in the Stipulation and Class Action Settlement.

5
6 This Action and the claims alleged in the operative Complaint filed in this Action are hereby
7 ordered dismissed with prejudice, each side to bear its own costs and attorneys' fees except as provided
8 by the Class Action Settlement.

9
10 The Court finds that the Notice provided to Class Members was the best notice practicable under
11 the circumstances of these proceedings and of matters set forth herein, and that the Notice fully satisfies
12 the California Code of Civil Procedure, due process, and any other applicable laws.

13
14 Any court order regarding the Motion for Fees and Costs shall in no way disturb or affect this
15 Judgment and Order of Dismissal and shall be considered separate from this Judgment and Order.

16
17 Without affecting the finality of this Judgment and Order in any way, this Court hereby retains
18 continuing jurisdiction pursuant to California Code of Civil Procedure Section 664.6 over the
19 interpretation, implementation and enforcement of the Class Action Settlement and the payments to be
20 made under the Class Action Settlement.

21
22 **IT IS SO ORDERED.**

23
24 DATE: MAR 18 2010, 2010

25 Carolyn B. Kuhl
26 Hon. Carolyn B. Kuhl
27 JUDGE OF THE SUPERIOR COURT
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