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11 Attorneys for Plaintiff ADAIRE PURSELL,  
12 individually and on behalf of all others similarly situated

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

15 ADAIRE PURSELL, individually and on  
16 behalf of all others similarly situated,

17 Plaintiff,

18 vs.

18 BUFFALO WILD WINGS  
19 INTERNATIONAL, INC., a Minnesota  
20 corporation; PACIFIC WINGS, LLC, a  
21 Washington limited liability company d/b/a in  
22 California as WESTERN WINGS, LLC, and  
23 DOES 1 through 25, inclusive,

24 Defendants.

Case No.: BC522083

[CLASS ACTION]


Assigned for all purposes to The Honorable  
Kenneth R. Freeman, Dept. 310

**[AMENDED PROPOSED] ORDER  
GRANTING FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT;  
CERTIFYING CLASS FOR SETTLEMENT  
PURPOSES; AND GRANTING  
PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES, COSTS, AND  
SERVICE AWARDS**

Complaint Filed: September 20, 2013  
Trial Date: None Set

**FILED**  
Superior Court of California  
County of Los Angeles

FEB 10 2017

Sherri R. Carter, Executive Officer/Clerk  
By:  Deputy  
Kazuo Hiraga

**RECEIVED**  
Central Civil West  
FEB 10 2017

By: I. Arellanes

02202017

1 On February 2, 2017, this Court considered the Plaintiffs' Motion for Final Approval of  
2 Class Action Settlement and Certification of Settlement Class, as well as Plaintiff's Motion for an  
3 Award of Attorneys' Fees and Costs (the "Motions"). Counsel for Plaintiff and Defendant  
4 appeared at the hearing.

5 Previously, on September 22, 2016, this Court entered an Order Granting Plaintiffs' Motion  
6 for Preliminary Approval of Class Action Settlement (the "Preliminary Approval Order").

7 Pursuant to the Notice of Class Action Settlement approved in the Preliminary Approval Order, the  
8 Class Members are defined as follows: "*All current and former "servers," i.e. waiters, waitresses,*  
9 *or bartenders, who were employed by Pacific Wings, LLC or Wingmen V, LLC at the following*  
10 *restaurant locations from September 20, 2009, until September 13, 2016: (a) 40155 10th Street*  
11 *West, Palmdale, California 93551; (b) 127 East Palm Avenue, Burbank, California 91502; (c)*  
12 *2548 E. Workman Avenue, West Covina, California 91791; (d) 19252 Soledad Canyon Road,*  
13 *Canyon Country, California 91351; (e) 5677 Gosford Village, Bakersfield, California 93313; and*  
14 *(f) 142-C South Brand Street, Glendale, California 91205."* The Preliminary Approval Order  
15 further directed the mailing of the Court-approved Class Notice via first class mail to the  
16 Settlement Class Members in accordance with the schedule and procedures set forth in the  
17 Settlement and the Preliminary Approval Order.

18 In accordance with the Preliminary Approval Order, Class Members have been given  
19 notice of the terms of the Settlement and the opportunity to request exclusion or object to it or any  
20 of its terms, or participate in the Settlement by submitting a claim form. Having received and  
21 considered the Settlement, the supporting papers filed by the Parties, and the evidence and  
22 argument received by the Court in conjunction with the instant Motions, the Court grants final  
23 approval of the Settlement and HEREBY ORDERS, ADJUDGES, AND MAKES THE  
24 FOLLOWING DETERMINATIONS:

25 1. This Court has jurisdiction over the subject matter of the above-captioned actions  
26 and over all parties to the actions, including all members of the Class.

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1           2.       The Notice provided to the Class conforms with the requirements of California  
2 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of  
3 Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable  
4 law, and constitutes the best notice practicable under the circumstances, by providing individual  
5 notice to all Class Members who could be identified through reasonable effort, and by providing  
6 due and adequate notice of the proceedings and of the matters set forth therein to the other Class  
7 Members. The notice fully satisfied the requirements of due process.

8           3.       The Court finds and determines that the proposed Class, as defined in the  
9 Settlement Agreement, meets all of the legal requirements for class certification, and it is hereby  
10 ordered that the Class is finally approved and certified as a class for purposes of settlement of these  
11 actions.

12           4.       The Court finds the settlement was entered into in good faith, that the settlement is  
13 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable  
14 requirements for final approval of this class action settlement under California law, including the  
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule  
16 3.769.

17           5.       No Class Members have objected to the terms of the Settlement.

18           6.       Three Class Members requested exclusion from the Settlement.

19           7.       Eight individuals requested inclusion into the Class. After Plaintiff and Defendant  
20 verified that these eight individuals met the Class Definition as set forth above, the Court confirms  
21 their addition to the Class. The total Class is composed of 1,083 people.

22           8.       Upon entry of this Order, compensation to the Class Members shall be effected  
23 pursuant to the terms of the Settlement Agreement.

24           9.       The Court hereby confirms Thomas W. Falvey, Michael II. Boyamian, and Armand  
25 R. Kizirian of the Law Offices of Thomas W. Falvey and Alex Hartounian of the Hartounian Law  
26 Firm as Class Counsel.

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1           10. The Motion for Final Approval of Attorneys' Fees and Costs is hereby granted.  
2 Class Counsel shall be awarded \$433,333.33 as attorneys' fees and \$18,831.12, as litigation costs,  
3 with payment coming out of Settlement funds. The Court further finds that the hourly rates of  
4 Class Counsel are reasonable and in keeping with market rates for comparably complex litigation  
5 in Southern California.

6           11. Plaintiff and named Class Representatives Adaire Pursell is hereby awarded \$5,000,  
7 as a "service award," with payment coming out of Settlement funds.

8           12. Administration Costs of \$19,750 shall be paid from the Settlement according to the  
9 terms of the Settlement Agreement to the claims administrator, CPT Group.

10           13. \$5,000 shall be paid from the Settlement to the California Labor and Workforce  
11 Development Agency.

12           14. No other litigation costs and/or attorneys' fees shall be awarded, either against  
13 Defendant or any related persons or entities or from the award to the Class.

14           15. The Parties are ordered to give notice of this Order and Judgment to all Class  
15 Members in accordance with CRC 3.771(b) by sending via first-class mail the settlement payments  
16 to all participating Class Members at their last known addresses.

17           16. Upon the effective date of this Order, Plaintiff and all Class Members, shall for  
18 themselves and their heirs, spouses, executors, administrators, attorneys, agents and assigns, fully  
19 and finally release and discharge Defendant and its past, present, and future owners, parents,  
20 subsidiaries, partners, predecessors, successors, and affiliated companies and entities, and each of  
21 their respective past, present, and future governors, members, employees, independent contractors,  
22 investors, predecessors, successors, assigns, transferees, licensees, representatives, affiliates,  
23 general and limited partners, associates, attorneys, agents, officers, directors, shareholders,  
24 insurers, reinsurers, heirs, executors, administrators, beneficiaries, landlords, tenants, and  
25 subtenants, and/or any and all persons and/or corporate entities acting by, through, under or in  
26 concert with any of them (the "Released Parties") from all claims, rights, demands, liabilities and  
27 causes of action of any nature or description arising from the facts pleaded in the operative  
28 Complaint, including any such claims that were litigated in the Action. The claims released under

1 this paragraph include, but are not limited to, failure to pay for all hours worked, failure to pay  
2 minimum and overtime wages, failure to provide meal periods, failure to provide rest periods,  
3 failure to pay reporting pay, failure to provide accurate wage statements, indemnification, common  
4 law conversion, failure to pay all wages owed upon termination, unfair competition, as well as any  
5 and all damages, restitution, disgorgement, civil penalties, statutory penalties, taxes, interest or  
6 attorneys' fees resulting therefrom.

7 17. Upon the effective date of this Order, all Class Members who did not timely opt out  
8 of the Settlement shall be and are hereby permanently barred and enjoined from the institution or  
9 prosecution of any and all of the claims released under the terms of the Settlement.

10 18. Without affecting the finality of this Order in any way, pursuant to California Rules  
11 of Court, Rule 3.769(h), this Court shall retain jurisdiction with respect to all matters related to the  
12 administration and consummation of the settlement, and any and all claims, asserted in, arising out  
13 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to  
14 the settlement and the determination of all controversies relating thereto.

15 19. Upon satisfaction of all payments and obligations under the Settlement Agreement  
16 and under this Order, every Class Member who was mailed or otherwise given notice who did not  
17 opt out of the Settlement shall be bound by the Settlement and its Releases. Three individuals  
18 have opted-out from the Settlement, thereby reducing the Class size to 1,083.

19 20. Excluded from the Settlement and its Releases are those persons who have  
20 submitted valid and timely Requests for Exclusion. There has been two such Requests for  
21 Exclusion. Every Class Member who submitted a valid Request for Exclusion shall be excluded  
22 from the Settlement and its Releases.

23 21. The Parties are hereby ordered to comply with the terms of the Settlement.  
24 Defendant shall make the necessary payments to class members, class counsel, CPT Group, and  
25 the LWDA within the time frames set forth in the Settlement Agreement.

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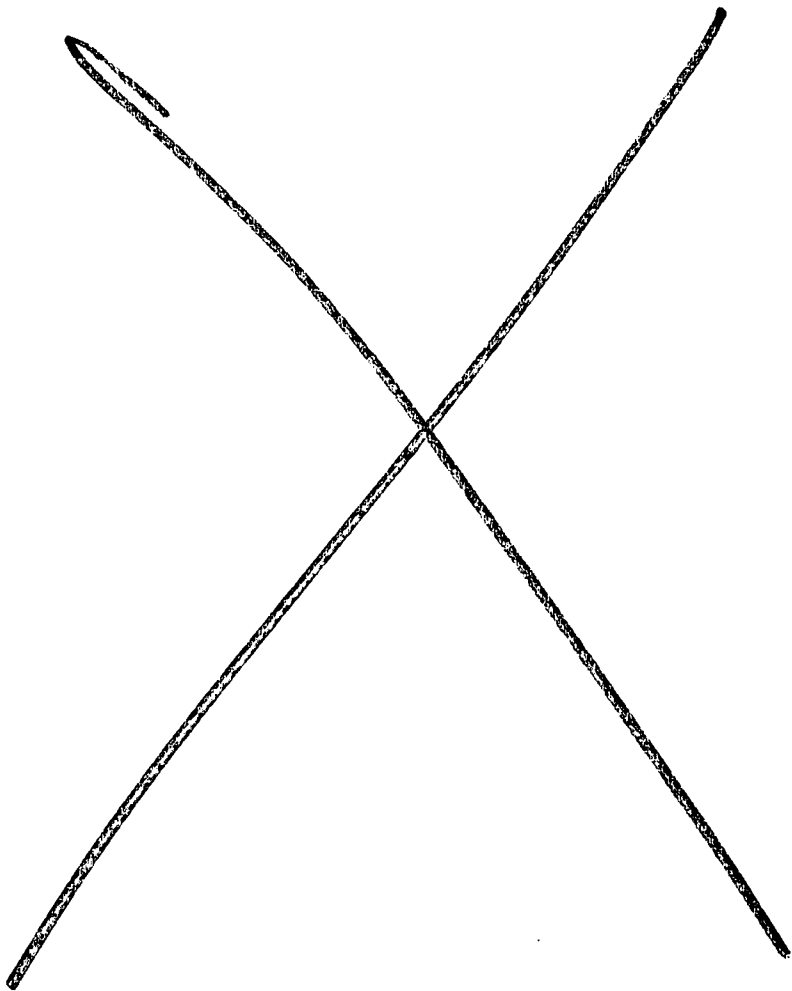
22. The Court hereby enters final judgment in this case in accordance with the terms of the Settlement, Preliminary Approval Order, this Order, and Rule 3.769(h) of the California Rules of Court.

IT IS SO ORDERED.

Dated: February 10, 2017



Honorable Kenneth R. Freeman



02282017

1 Pursell v. Buffalo Wild Wings  
BC522083

2 PROOF OF SERVICE

3 STATE OF CALIFORNIA )  
4 COUNTY OF LOS ANGELES ) ss

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
6 and not a party to the within action; my business address is 550 North Brand Boulevard,  
Suite 1500, Glendale, California 91203.

7 On February 10, 2017 I served, in the manner indicated below, the foregoing document  
8 described as:

- 9 1. **[AMENDED PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS**  
10 **ACTION SETTLEMENT; CERTIFYING CLASS SETTLEMENT PURPOSES;**  
11 **AND GRANTING ATTORNEYS' FEES, COSTS, AND SERVICE AWARD**  
12 2. **SECOND SUPPLEMENTAL DECLARATION OF TAYLOR MITZNER**  
13 **REGARDING DUE DILIGENCE AND PROOF OF MAILING**

14 on all interested parties in this action by placing the true copies thereof enclosed in sealed  
15 envelopes addressed as follows:

16 **SEE ATTACHED MAILING LIST**  
17 **(SERVICE BY MAIL UNLESS OTHERWISE INDICATED)**

18        BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail  
19 at Glendale, California, with postage thereon fully prepaid. I am readily familiar with the  
20 firm's practice of collection and processing correspondence for mailing. It is deposited  
21 with the United States Postal Service each day and that practice was followed in the  
22 ordinary course of business for the service herein attested to (C.C.P. § 1013(a)(3)).

23        BY FACSIMILE: caused such document to be transmitted via facsimile to the offices of  
24 the addressee(s). (C.C.P. § 1013(a)(e)(f)).

25        BY OVERNIGHT DELIVERY: I caused such envelopes to be delivered by air courier,  
26 with next day service, to the offices of the addressee(s). (C.C.P. §1013(c)(d)).

27        BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices  
28 of the addressee(s). (C.C.P. § 1011(a)(b)).

29   X   BY ELECTRONIC SERVICE: I served said document(s) to be transmitted electronically  
30 on counsel of record by transmission through File & ServeXpress. Said service was made  
31 pursuant to the Court's Order on the parties' agreement to receive service in this manner  
32 and pursuant to Rule 2.251 of the California Rules of Court. When available, a true and  
33 correct copy of the File & ServeXpress Transaction Receipt will be attached to this  
34 declaration with court filed copy of said document(s) or, in the case of any discovery  
35 related document(s), retained by the undersigned.

36        BY ELECTRONIC SERVICE: Submitting an electronic version of the document(s) via  
37 file transfer protocol (FTP) to the Court of Appeal, Second Appellate District, 300 South  
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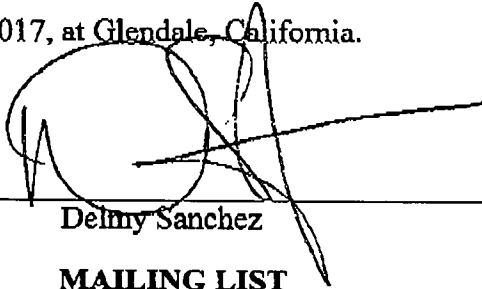
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Spring Street, Division 5, Los Angeles, California 90012.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 10, 2017, at Glendale, California.

  
\_\_\_\_\_  
Delmy Sanchez

**MAILING LIST**

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