

REC'D

APR 27 2010  
FILING WINDOW

ORIGINAL FILED  
APR 28 2010  
LOS ANGELES  
SUPERIOR COURT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PETER SILVA, GUSTAVO GUZMAN,  
PAUL E. LASS, JR., JEFF S. MCGILL,  
THOMAS R. MUNDY and STANLEY G.  
SETTLE, individual, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

GETRONICS NV and DOES 1 through 50,  
inclusive,

Defendants.

) NO. BC 368049  
) Date: 4/23/2010  
) Time: 8:30 a.m.  
) Dept: 36  
) Judge: The Hon. Gregory W. Alarcon  
) Date Action Filed: 3/19/2007  
) Trial Date: None

~~PROPOSED~~ FINAL JUDGMENT

The motion for final approval of the class action settlement between plaintiffs Peter Silva, Gustavo Guzman, Paul E. Lass, Jr., Jeff S. McGill, Thomas R. Mundy, and Stanley G. Settle ("Named Plaintiffs") and with Defendants CompuCom Systems, Inc., successor by merger to Getronics USA, Inc. ("CompuCom") and Getronics Flexible Solutions, LLC ("GFS") ("Defendants") who shall collectively be referred to herein as the "settling parties" of the lawsuit known as *Peter Silva v. Getronics, NV*, bearing case number BC 368049 ("the Action") having come on for hearing on April 23, 2010,

1 before the Honorable Gregory W. Alarcon, in Department 36 of the Los Angeles Superior  
2 Court, located at 111 North Hill Street, Los Angeles, CA 90012. Due and adequate notice  
3 having been given to the Settlement Class, and the Court having considered the Stipulation  
4 and Settlement of Class Action, all papers filed in connection with the final approval  
5 hearing, and having reviewed the record in this litigation, and good cause appearing  
6 therefore:

7 IT IS HEREBY ORDERED:

- 8 1. The Court, for purposes of this Judgment ("Judgment") adopts all defined  
9 terms set forth in the Stipulation and Settlement of Class Action filed in this case.
- 10 2. The Court finds that the distribution of the Notice and Claim Form as  
11 provided for in the Preliminary Approval Order constituted the best notice practicable under  
12 the circumstances to all persons within the definition of Class Members or the Settlement  
13 Class in accordance with California Rule of Court, Rule 3.769, and fully met the  
14 requirements of due process under the United States Constitution. Based on evidence and  
15 other material submitted in conjunction with the settlement hearing, the Notice and Claim  
16 Form were adequate.
- 17 3. The Court finds that the instant litigation presented a good faith dispute over  
18 whether the members of the Settlement Class were properly compensated for meal and rest  
19 breaks, and that there was a good faith dispute about the relief available to the Settlement  
20 Class based on the theories set forth in the lawsuit and the defenses thereto.
- 21 4. The Court approves the Stipulation and Settlement of Class Action, including  
22 each of the releases, payment of settlement awards and other terms as fair, just, reasonable  
23 and adequate as to the settling parties. The settling parties are directed to perform in  
24 accordance with the terms set forth in the Stipulation and Settlement of Class Action.
- 25 5. Solely for purposes of effectuating the settlement as set forth in the  
26 Stipulation and Settlement of Class Action, this Court has certified the Settlement Class as  
27 defined in the Preliminary Approval order and the Court deems this sufficient for purposes  
28 of due process and California Code of Civil Procedure Section 382.

1           6.     With respect to the Settlement Class, and for purposes of approving this  
2 settlement only, this Court finds and concludes that: (a) the members of the Settlement  
3 Class are ascertainable and so numerous that joinder of all members is impracticable; (b)  
4 there are questions of law or fact common to the Settlement Class, and there is a well-  
5 defined community of interest among the members of the Settlement Class with respect to  
6 the subject matter of the litigation; (c) the claims of Named Plaintiffs are typical of the  
7 claims of the Settlement Class; (d) Named Plaintiffs have adequately and fairly protected  
8 the interests of the Settlement Class; (e) a class action is superior to other available methods  
9 for an efficient adjudication of this controversy; and (f) the counsel of record for Named  
10 Plaintiffs, i.e., Class Counsel, are qualified to serve as counsel for plaintiffs in their  
11 individual and representative capacity for the Settlement Class.

12           7.     By this Judgment, Named Plaintiffs shall release, relinquish and discharge,  
13 and each member of the Settlement Class who filed a valid and timely claim shall be  
14 deemed to have, and by operation of law shall have, fully, finally, and forever released,  
15 relinquished and discharged all Claims as set forth in the Stipulation and Settlement of  
16 Class Action.

17           8.     By this Judgment, the members of the Settlement Class who failed to file a  
18 valid and timely claim, or who failed to file a valid and timely request for exclusion from  
19 the settlement which was the subject of the Notice and Claim Form, shall be deemed to  
20 have, and by operation of law shall have, fully, finally, and forever released, relinquished  
21 and discharged all Claims as set forth in the Stipulation and Settlement of Class Action.

22           9.     In light of the work done by Class Counsel, and the result achieved, and  
23 considering the applicable legal authority, the Court finds that the attorney's fees and costs  
24 requested are reasonable. The Court approves Class Counsel's fees in the this Action in the  
25 amount of \$516,666.67, which represents one-third of the Maximum Settlement Amount,  
26 and the amount of \$22,584.41 for attorney's costs.

27           10.    Given the results achieved and the efforts of Named Plaintiffs described in  
28 the moving papers, incentive payments to Named Plaintiffs also are approved. The Court

1 approves enhancement awards of \$10,000 each to Peter Silva, Gustavo Guzman (to his  
2 widow), Paul E. Lass, Jr. and Jeff S. McGill, and enhancement awards of \$5,000 each to  
3 Thomas Mundy and Stanley Settle. This totals \$25,000 less than what was requested for  
4 enhancement awards. That \$25,000 amount shall be distributed on a pro-rata basis among  
5 the class members who timely filed claims and shall not revert to Defendants.

6 11. The Court approves the payment of \$29,035.96 to Rust Consulting, Inc. for  
7 fees and costs in administering the claims process.

8 12. Defendants are directed to make these payments, and the Claims  
9 Administrator is directed to release the sums approved, in accordance with the terms of the  
10 Stipulation and Settlement of Class Action.

11 13. A further status conference is set in 120 days on 10/8, 2010 at  
12 8:30 a.m. re final administration report and dismissal of the class action. A Status  
13 Report is due 10 calendar days prior to the hearing date.

14 14. Pursuant to California Rule of Court, Rule 3.769 (h) the Court hereby retains  
15 jurisdiction over the settling parties to enforce the terms of this judgment, including the  
16 implementation, enforcement, construction, administration, and interpretation of the  
17 Stipulation and Settlement of Class Action, the Preliminary Approval Order, and this  
18 Judgment.

19  
20 Dated: **28 APR 2010**

*Gregory W. Alarcon*  
\_\_\_\_\_  
The Honorable Gregory W. Alarcon  
Judge of the Superior Court of the State of  
California