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**FILED**

DEC 02 2015

JAMES M. KIM, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: J. Chen, Deputy

6 Attorneys for Plaintiffs and the Class

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **FOR THE COUNTY OF MARIN**

9 **GENERAL CIVIL DIVISION – SAN RAFAEL**

10  
11 BRUCE FORD, JOSEPH HARVARD,  
12 SANDRAHUSER, individually, on behalf of  
all others similarly situated, and on behalf of  
13 the general public,

14 Plaintiffs,

15 vs.

16  
17 AXIS APPRAISAL MANAGEMENT  
SOLUTIONS, a California Corporation;  
18 KIMBERLY DAWN PEROTTI; MICHAEL  
SIMMONS, and DOES 1 through 50,  
19 inclusive,

20  
21 Defendants.  
22

Case No.: CIV 1403236

Hon. Roy O. Chernus

**[Proposed] ORDER GRANTING  
PLAINTIFFS' UNOPPOSED MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT, ATTORNEYS' FEES AND  
COSTS AWARD, CLASS  
REPRESENTATIVES' ENHANCEMENT,  
AND CY PRES RECIPIENT, AND ENTRY  
OF JUDGMENT**

1 The unopposed motion of Bruce Ford, Joseph Harvard, and Sandra Huser (collectively, the  
2 "Class Representatives") for an order finally approving a settlement of the above-entitled class action  
3 ("Settlement"), and for an award of attorneys' fees and costs for their counsel, Bryan Schwartz Law,  
4 came on regularly for hearing on December 2, 2015. A tentative ruling was issued and neither side  
5 requested oral argument.

6 Therefore, having considered the Motions, Class Action Settlement Agreement, the Notice of  
7 Class Action Settlement ("Class Notice"), and other supporting documents,

8 **IT IS HEREBY ORDERED THAT:**

9 1. The Motion for Final Approval of Class Action Settlement is GRANTED pursuant to  
10 California Rule of Court 3.769.

11 2. The Motion for Attorneys' Fees and Costs is GRANTED.

12 3. The Court finds that the Class has at all times been adequately represented by the  
13 Named Plaintiffs and Class Counsel.

14 3. The Class Notice approved by the Court was provided by First Class direct mail to the  
15 last-known address of each of the individuals identified as Class Members. In addition, follow-up  
16 efforts were made to ensure every class member actually received the Class Notice. The Class Notice  
17 adequately described all of the relevant and necessary parts of the proposed Settlement Agreement,  
18 the request for incentive payments to the Named Plaintiffs, and Class Counsel's motion for an award  
19 of attorneys' fees and costs.

20 4. The Court finds that the Notice given to the Class fully complied with Rule 3.769, was  
21 the best notice practicable, satisfied all constitutional due process concerns, and provides the Court  
22 with jurisdiction over the Class Members.

23 5. The Court has concluded that the Settlement, as set forth in the Settlement Agreement  
24 executed by the parties, is fair, reasonable, and adequate under the state and federal wage laws  
25 identified in the Complaint. The Court finds that the uncertainty and delay of future litigation strongly  
26 supports the reasonableness and adequacy of the \$380,000 Settlement Fund established pursuant to  
27

1 the Settlement, and provides meaningful relief to the Class Members. Strengths of the Settlement  
2 include that it encompassed a reclassification of the appraiser positions in the case to non-exempt, that  
3 the Class Members receive substantial monetary recovery (an average of over \$5,000 net, each), that  
4 none of the funds revert to Defendants, and that Defendants bear their own share of payroll taxes.

5 6. Out of the identified Class Members who were notified, none have objected to or  
6 opted-out of the proposed settlement. The reaction of the Class to the proposed settlement strongly  
7 supports the conclusion that the proposed Settlement is fair, reasonable, and adequate.

8 7. The Settlement is HEREBY APPROVED in its entirety.

9 8. The Settlement Fund shall be dispersed in accordance with the Settlement as detailed  
10 in the Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement  
11 Class, granted on September 9, 2015, the Unopposed Motion for Approval of Attorneys' Fees and  
12 Costs, filed on November 6, 2015, and the Unopposed Motion for Final Approval of Class Action  
13 Settlement, filed on November 6, 2015.

14 9. Representative Plaintiffs Bruce Ford, Joseph Harvard and Sandra Huser are hereby  
15 awarded \$15,000, \$5,000 and \$2,500 each, respectively, for their varying but meaningful time, effort,  
16 and courage in pursuing this litigation on behalf of the Class. (*Munoz v. BCI Coca-Cola Bottling Co.*  
17 *of Los Angeles* (2010) 186 Cal.App.4th 399, 412, rehearing denied (Aug.2, 2010), review denied (Sep.  
18 29, 2010).)

19 10. Plaintiffs' application for attorneys' fees in the amount of \$126,666.67 and litigation  
20 costs in the amount of \$6617.00, for Bryan Schwartz Law, is hereby granted in accordance with *City*  
21 *& County of San Francisco v. Sweet* (1995) 12 Cal.4th 105, 110-11 and *Quinn v. State* (1975) 15  
22 Cal.3d 162, 168. The common fund award of one third is appropriate, particularly in light of the swift,  
23 strong result for the Class brought about by counsel's efforts. *See, e.g., Chavez v. Netflix, Inc.* (2008)  
24 162 Cal.App.4th 43, 66 n. 11 (noting that one third is an average common fund award). A lodestar  
25 cross-check – showing that counsel's lodestar actually significantly exceeds the requested award –  
26  
27  
28

1 further confirms the reasonableness of the award. (*In re Consumer Privacy Cases* (2009) 175  
2 Cal.App.4th 545, 557-558.)

3 11. The Court approves *cy pres* recipient Legal Aid of Marin to receive any remainder  
4 based upon uncashed settlement checks, as called for in the Settlement, because this recipient is useful  
5 in fulfilling the underlying purpose of the lawsuit to vindicate low-wage workers' wage claims. *In re*  
6 *Microsoft I-V Cases* (2008) 135 Cal.App.4th 706, 722.


7 This is a final judgment.  
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11  
12 DATED: 12/2, 2015

**ROY CHERNUS**

\_\_\_\_\_  
The Honorable Roy O. Chernus  
JUDGE OF THE SUPERIOR COURT

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14  
15 Approved as to form:

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Jose M. Herrera