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BRYAN SCHWARTZ LAW
BRYAN SCHWARTZ (SBN 209903)
RACHEL TERP (SBN 290666)
1330 Broadway, Suite 1630
Oakland, CA 94612
Tel: 510.444.9300
Fax: 510.444.9301
Email: bryan@bryanschwarzlaw.com

HOFFMAN EMPLOYMENT LAWYERS
LEONARD EMMA (SBN 224483)
STEPHEN NOEL ILG (SBN 275599)
580 California Street, Suite 1600
San Francisco, CA 94104
Tel: (415) 362-1111
Fax: (415) 362-1112
Email: lemma@employment-lawyers.com

Attorneys for Plaintiffs Individually and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

RAYMOND AMENYA, CONAN BEHR and
CARLA ERVIN on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

HENRY INDUSTRIES, INC., a Kansas
corporation and DOES 1 through 50, inclusive,

Defendants.

Case No. RG15754205

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Reservation No. R- 1754703

Judge: Hon. Winifred Y. Smith
Date/Time: August 4, 2016, 10:00 a.m.
Department: 21

FILED
ALAMEDA COUNTY

AUG 04 2016

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

1 The Parties came for hearing on Plaintiffs' Motion for Preliminary Approval of Class
2 Action Settlement held on August 4, 2016 at 10:00 a.m., in the Courtroom of the Honorable
3 Winifred Y. Smith, in the Superior Court of the State of California in and for the County of
4 Alameda located at 1225 Fallon Street, Oakland, California, 94612. The Court, having considered
5 the papers submitted in support of the application of the Parties, HEREBY ORDERS THE
6 FOLLOWING:

7 1. To the extent terms in this Order are defined in the Settlement Agreement and General
8 Release (the "Settlement Agreement"), submitted to the Court as Exhibit 1 to the Declaration of
9 Bryan J. Schwartz, Esq., such terms shall have the same meanings in this Order as in the
10 Settlement Agreement.

11 2. The Court grants preliminary approval of the Settlement based upon the terms set forth
12 in the Settlement Agreement and the preliminary approval Motion, and based upon the Schwartz
13 Declaration in support of the agreement and related exhibits, and all of the briefing and
14 information submitted in this case to date. The Settlement appears to be fair, adequate and
15 reasonable to the Class.

16 3. The Settlement is supported by the recommendations of counsel and was negotiated at
17 arms' length, and is thus presumptively valid, subject to any objections that may be raised at the
18 final fairness hearing, and to final approval by this Court.

19 4. Class Counsel will file their motion for fees and costs, and final approval motion, on or
20 before October 18, 2016.

21 5. A final fairness hearing on whether the proposed Settlement, attorneys' fees to Class
22 Counsel, the Class Representative's enhancement payment, and the *cy pres* recipient should be
23 approved as fair, reasonable and adequate as to the members of the Settlement Class will be held
24 on December 2, 2016 at 11:00 a.m., in the Courtroom of the Honorable Winifred Y. Smith, in the
25 Superior Court of the State of California in and for the County of Alameda located at 1225 Fallon
26 Street, Oakland, California, 94612.

27 6. The Court approves, as to form and content, the Notice of Class Action Settlement to
28 Staff Appraisers ("Notice of Settlement") attached to the Settlement Agreement as Exhibit A. The

1 Court approves the procedure for Class Members to participate in, opt out of, and object to the
2 Settlement as set forth in the Notice of Settlement.

3 7. The Court directs the mailing of the Notice of Settlement in accordance with the
4 Implementation Schedule set forth below. The Court finds that the dates selected for the mailing
5 and distribution of the Notice meet the requirements of due process, provide the best notice
6 practicable under the circumstances and shall constitute due and sufficient notice to all persons
7 entitled to notice of the proposed settlement.


8 8. The Court appoints Rust Consulting (Rust) as the settlement administrator, since Rust
9 has experience with similar matters and offers a competitive bid.

10 9. The Court orders the following Implementation Schedule for further proceedings:

11 Deadline for Defendants to provide Class data to Claims Administrator	August 9, 2016
12 Deadline for Rust to calculate Net Pro Rata Distribution Calculation and deliver the same to 13 Plaintiffs' Counsel, Defendants' Counsel and the 14 Claims Administrator	August 15, 2016
15 Deadline for Parties' Counsel to review calculations	August 22, 2016
16 Deadline for Claims Administrator to Mail the Notice to Class Members	August 29, 2016
17 Deadline for California Class Members to opt out or serve written objections to the settlement	October 13, 2016
18 Deadline for Class Counsel to file Motion for Final Approval of Settlement, 19 Motion for Attorneys' Fees, Costs, and Enhancement Award	October 18, 2016
20 Final Fairness Hearing and Final 21 Approval	December 2, 2016, at 2:00 p.m. 11:00 a.m.

22 IT IS SO ORDERED

23 DATED: August 4, 2016

24 
25 The Honorable Winifred Y. Smith
26 Superior Court Judge