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ALAMEDA COUNTY

DEC 09 2016

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

**DAVID BULL; ROY GREEN;
RODNEY JACKSON; MELVIN
STAFFORD; on behalf of themselves,
and all others similarly situated,**

Plaintiffs,

v.

**CARGO FORCE, INC.; and DOES 1-
10, inclusive,**

Defendants.

Case No. RG15758331

ASSIGNED FOR ALL PURPOSES TO:
HON. WINIFRED Y. SMITH

**ORDER OF FINAL APPROVAL ORDER
AND JUDGMENT**

Complaint Filed: February 11, 2015

This matter came before this Court on the parties' Motion for Final Approval of Settlement ("Final Approval Motion").

WHEREAS, a putative class action is pending before the Court entitled *Bull et al. v. Cargo Force, Inc.*, Case No. RG15758331, ("the Litigation");

WHEREAS, the Court has received and reviewed the Joint Stipulation of Settlement entered into between the Named Plaintiffs on behalf of the putative Class Members, on the one

1 hand, and Defendant, on the other hand, (the "Stipulation"), and has considered the terms of the
2 proposed settlement set forth therein (the "Settlement");

3 WHEREAS, all terms contained herein shall have the same meanings as set forth in the
4 Stipulation, except where otherwise defined herein;
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6 WHEREAS, on or about August 5, 2016, the Court entered an Order preliminarily
7 approving the Settlement of this action, approving the form and method of notice, and setting a
8 date and time for a fairness hearing to consider whether the Settlement should be finally approved
9 by the Court as fair, adequate, and reasonable (the "Preliminary Approval Order");
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11 WHEREAS, the Preliminary Approval Order further directed that all members of the
12 Settlement Class be given notice of the Settlement and of the date for the final fairness hearing;

13 WHEREAS, the Court has received the declaration of Stephen Gomez attesting to the
14 mailing of the Notice in substantial accordance with the Preliminary Approval Order;
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16 WHEREAS, no objections to the Settlement have been filed with the Court;

17 WHEREAS, the Court, having conducted a final fairness hearing on December 2, 2016
18 (the "Fairness Hearing"), and having considered the arguments presented, all papers filed and all
19 proceedings had therein;
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21 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

22 1. The Court has jurisdiction over the subject matter of this action, all members of the
23 Settlement Class, and Defendant.

24 2. In accordance with governing law and the requirements of due process, all members of
25 the Settlement Class have been given proper and adequate notice of the Settlement. Based upon
26 the evidence submitted by the parties, the Stipulation, the arguments of counsel, and all the files,
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1 records and proceedings in this case, the Court finds that the Notice and notice methodology
2 implemented pursuant to the Stipulation and the Court's Preliminary Approval Order (a)
3 constituted the best practicable notice under the circumstances; (b) constituted notice that was
4 reasonably calculated under the circumstances, to apprise members of the Settlement Class of the
5 pendency of the litigation, their right to object to the Settlement, and their right to appear at the
6 Fairness Hearing; (c) were reasonable and constituted due, adequate and sufficient notice to all
7 persons entitled to notice; and (d) met all applicable requirements of law.

9 3. The Stipulation in this action warrants final approval pursuant to applicable law because
10 it is fair, adequate, and reasonable to those it affects, and resulted from vigorously contested
11 litigation, including the significant exchange of class-related data and other documents, discovery
12 related to mediation, numerous damages assessments, and extensive good-faith arm's-length
13 negotiations between the parties, including private mediation, and is in the public interest
14 considering the following factors:

- 16 A the strength of the plaintiff's case;
- 17 B the risk, expense, complexity and likely duration of further litigation;
- 18 C the risk of maintaining class action status throughout the trial;
- 19 D the amount offered in settlement;
- 20 E the extent of discovery completed, and the stage of the proceedings;
- 21 F the experience and views of counsel; and
- 22 G the reaction of the class members to the proposed settlement.

24 *Torrise v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375 (9th Cir. 1993). Settlements
25 that follow sufficient discovery and genuine arms-length negotiation are presumed
26 fair. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026 (9th Cir. 1998); *Chavez v.*
27 *Netflix, Inc.*, 162 Cal.App.4th 43, 52 (2008).

1 4. The Final Approval Motion is hereby GRANTED, and the Stipulation is hereby
2 APPROVED as fair, reasonable, and adequate. The Parties are directed to consummate the
3 Stipulation in accordance with its terms.

4 5. The Court APPROVES payment of the Gross Settlement Sum in accordance with the
5 terms of the Stipulation.

6 6. The Court APPROVES service awards to Class Representatives David Bull, Roy
7 Green, Rodney Jackson, and Melvin Stafford in the amount of \$5,000.00 each.

8 7. The Court APPROVES payment of Attorneys' Fees in the amount of two hundred
9 thirty-nine thousand two hundred and fifty dollars (\$239,250.00), and reimbursement of costs in
10 the amount of \$ 10,812.09 to Class Counsel. Ten percent of the amount awarded as attorneys fees
11 shall be held in an interest-bearing account pending submission and approval of a final compliance
12 status report following completion of the distribution process.

13 8. The Class Member Payout Fund, the service awards to the Class Representatives and
14 Attorneys' Fees and Costs Amount shall be distributed in accordance with the terms of the
15 Stipulation and any further Orders of this Court.

16 9. The Court will retain jurisdiction over this case pursuant to CRC 3.769 regarding
17 enforcement the Court's Orders herein.

18 10. In consideration of the Gross Settlement Sum, and for other good and valuable
19 consideration, each of the Releasing Class Members shall, by operation of this Judgment, have
20 fully, finally, and forever released, relinquished, and discharged all Released Claims against
21 Defendant in accordance with the terms of the Settlement Agreement.

22 11. This Judgment is the Final Judgment in the suit as to all Released Claims.

23 12. Without affecting the finality of this Judgment in any way, this Court retains
24 jurisdiction over (a) implementation of the Settlement and the terms of the Stipulation; (b)

1 distribution of the Gross Settlement Sum, the service payments to the Class Representative and
2 other Class Members, and the Attorneys' Fees and Costs Amount; and (c) all other proceedings
3 related to the implementation, interpretation, administration, consummation, and enforcement of
4 the terms of the Stipulation and/or the Settlement, and the administration of Claims by
5 Participating Class Members. The time to appeal from this Judgment shall commence upon its
6 entry.
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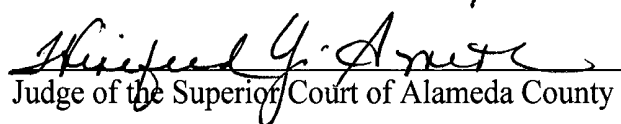
8 13. A compliance hearing shall be held on MAY 11, 2017 at 9:00 A.m.
9 to confirm that the terms of the Settlement and this Order have been followed.

10 14. This Court finds that there is no just reason for delay and expressly directs Judgment
11 and immediate entry by the Clerk of the Court.

12 15. Plaintiff's Counsel will post notice of this Order and related Judgment for 30 days on
13 their website in compliance with CRC 3.771(b).
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15 **IT IS SO ORDERED.**

16 Dated this 2 day of December, 2016.
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19 Judge of the Superior Court of Alameda County
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