

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 16 2019

BY 
ERIN MUELLER, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHRISTINA LOPEZ-BURTON, an individual, on behalf of herself and all others similarly situated,

Petitioner and Plaintiff,

v.

TOWN OF APPLE VALLEY, a general law city; and DOES 1-10,

Respondents and Defendants.

Case No.: CIVDS1725027

Assigned for all purposes to Hon. David S. Cohn

[PROPOSED] FINAL JUDGMENT

DATE: October 16, 2019
TIME: 8:30 a.m.
DEPT: S26

Whereas, this matter came before the Court for hearing on October 16, 2019 (“Fairness Hearing”) in accordance with this Court’s July 23, 2019 Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class, and Directing Notice to Class Order Granting and on Plaintiff Christina Lopez-Burton’s (“Plaintiff’s”) motion for final approval of class settlement (“Final Approval Motion”) and motion for award of attorneys’ fees and reimbursement of expenses and payment of service award (“Fee Motion”).

Whereas, having considered all papers filed in this action, oral arguments of counsel in this action and those persons appearing at the Fairness Hearing, and otherwise being fully informed, and good cause appearing thereon,

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

2 1. Unless otherwise defined herein, all capitalized words and terms contained in this
3 Order shall have the same meanings as set forth in the Class Action Settlement Agreement and filed on
4 September 9, 2019 as Exhibit A to the Declaration of Eric J. Benink in Support of Petitioner and Plaintiff
5 Christina Lopez-Burton's Motion For Final Approval Of Class Action Settlement (the "Settlement
6 Agreement") (Section II, *Definitions* ¶¶ 2.1.1-2.1.33).

7 2. This Court has jurisdiction over the subject matter of the Action, this litigation, and
8 over all Parties to the Action, including all Settlement Class Members.

9 3. The Settlement Class is hereby certified pursuant to California Code of Civil Procedure
10 Section 382 as follows:

11 All persons (which includes entities such as firms, companies, corporations,
12 associations, and public entities) who, between July 24, 2016 and July 23, 2019,
13 were Account Holders, but excluding (a) any officer or council member of the
14 Town; (b) any judge assigned to hear this case; and (c) persons who timely and
properly exclude themselves from the Class as provided in the Agreement.

15 An "Account Holder" means those persons and entities who hold a solid waste /
16 recycling account in the Town of Apple Valley.

17 4. Persons who timely and properly excluded themselves, as set forth in Exhibit A,
18 attached hereto, are not Class Members and not bound by this Final Judgment.

19 5. This Court hereby enters Judgment in accordance with, and subject to, the terms set
20 forth in the Order Granting Final Approval of Settlement, and the Representative Plaintiff and the Class
21 Members shall take nothing except as provided in the Settlement.

22 6. The Parties shall take all steps necessary and appropriate to provide Class Members
23 with the benefits to which they are entitled under the terms of the Settlement and pursuant to the Orders
24 of the Court.

25 7. The Court hereby approves the Settlement and finds that it is, in all respects, fair,
26 reasonable, and adequate to the Settlement Class.

27 ///

28 ///

1 8. The Court finds that the Settlement is fair and equitable to the Settlement Class
2 Representative Plaintiff, Settlement Class Members and Defendants, and the parties to the Settlement
3 are hereby directed to perform its terms.

4 9. Upon the Effective Date of the Settlement, each and every released claim of each and
5 every Settlement Class Member and the Class Representative are and shall be deemed to be conclusively
6 released as against the Releasees, pursuant to the terms and conditions of the Release as set forth in
7 paragraph 10 of the Settlement Agreement.

8 10. The Class Notices disseminated pursuant to paragraph 7 of the Settlement Agreement
9 and by this Court's Order Preliminarily Approving Settlement on July 23, 2019 was the best notice
10 practicable under the circumstances. The Class Notice provided due and adequate notice of those
11 proceedings and of the matters set forth therein, including the proposed Settlement, to all Persons entitled
12 to such notice, and the Class Notice fully satisfied the requirements of California law and the
13 requirements of due process.

14 11. The Class Representative shall be awarded \$5,000 as a service award in her capacity as
15 the Representative Plaintiff in the Action. Such funds shall be paid from the Common Fund in
16 accordance with the Settlement Agreement.

17 12. Class Counsel shall be awarded \$1,050,000 in attorneys' fees and \$12,994 in expenses,
18 which amount is approved as fair and reasonable, in accordance with the terms of the Settlement. Such
19 sums shall be paid from the Common Fund in accordance with the Settlement Agreement.

20 13. The Claims Administrator's fees associated with the administering the Settlement in the
21 amount of \$4,300 are approved. The foregoing sum shall be paid from the Common Fund in accordance
22 with the Settlement Agreement.

23 14. The Town's request for reimbursement of the publication costs in the amount of
24 \$1,030.24 is approved. The foregoing sum shall be paid from the Common Fund in accordance with the
25 Settlement Agreement.

26 15. Pursuant to California Code of Civil Procedure section 664.6 and Rule 3.769(h) of the
27 California Rules of Court, the Court reserves exclusive and continuing jurisdiction over this Action, the
28 Plaintiff, the Class Members, and Defendant for purposes of administering, consummating, enforcing,

1 and interpreting the Settlement Agreement, the Final Judgment, and for any other necessary purpose,
2 and to issue related orders necessary to effectuate the final approval of the Settlement Agreement.

3 16. This document shall constitute a Judgment for purposes of California Rule of Court
4 3.769(h). The Court is directed to enter this Final Judgment forthwith.

5 17. The Parties are to file a final report on distributions made to the class members in ~~180~~
6 ^{7/10/15} days from the entry of Final Judgment. Should there be any uncashed checks at that time, the Parties
7 shall make a recommendation to the Court for disposition of the funds.

8
9 **IT IS SO ORDERED.**

10
11
12 DATED: 10/16/15


13 
14 Hon. David S. Cohn
15 JUDGE OF THE SUPERIOR COURT
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A
PERSONS EXCLUDED FROM CLASS

Elena Villegas

Sandra Thomas