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Central Civil West

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By: Ways

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12 behalf of herself and all others similarly situated

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FILED

Superior Court of California  
County of Los Angeles

FEB 17 2017

Sherri R. Carter, Executive Officer/Clerk

By Jan Manrique Deputy  
Jan Josef Manrique

21 Attorneys for Defendant  
22 FIRST STUDENT, INC.

23 *Additional Counsel Listed On Following Page*

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
25 COUNTY OF LOS ANGELES

JUDGMENT

26 JAMES TYRER, JR., AND HEATHER  
27 FIERRO, INDIVIDUALLY AND ON  
28 BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Case No. BC459305

ASSIGNED FOR ALL PURPOSES TO  
JUDGE WILLIAM F. HIGHBERGER  
DEPT. 322

Plaintiff,

~~PROPOSED~~ ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT; ~~JUDGMENT THEREON~~

v.

FIRST STUDENT, INC., AND DOES 1  
THROUGH 100, INCLUSIVE,

Date: February 17, 2017  
Time: 11:00 a.m.  
Dept.: 322

Defendants.

Firmwide:140328273.6 070991.1039

~~PROPOSED~~ ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT; JUDGMENT  
THEREON

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Attorneys for Defendant  
FIRST STUDENT, INC.

1 The settling Plaintiffs, on behalf of the Settlement Class as defined below, and the settling  
2 Defendant, First Student, Inc. (hereinafter referred to as "Defendant") entered into an agreement to  
3 settle the above-captioned class action, subject to the Court's approval. The agreement includes a  
4 document captioned Stipulation and Settlement of Class Action Claims (hereinafter referred to as  
5 "Settlement Agreement"). The Settlement Agreement provides for the payment of compensation to  
6 each Participating Settlement Class Member according to a formula which uses each employee's  
7 length of employment in the Settlement Class during the Class Period to determine what percent of  
8 the total length of employment of the Settlement Class during the Class Period is attributable to each  
9 Settlement Class Member. The Preliminary Approval Order entered August 19, 2016 approved the  
10 proposed Notice to the Settlement Class. The Court entered the Preliminary Approval Order after  
11 review and consideration of all of the pleadings filed in connection herewith, and the oral  
12 presentations made by counsel at the hearing.

13 In compliance with the Preliminary Approval Order entered August 19, 2016 and Joint  
14 Stipulation and Order re Amendment to Stipulation and Settlement of Class Action Claims entered  
15 October 11, 2016, notice was sent to the Settlement Class Members via first class mail by the Court-  
16 approved claims administrator, CPT Group, Inc., on October 11, 2016. A true and correct copy of  
17 the Notice that was sent is attached to the Joint Stipulation and [Proposed] Order re Amendment to  
18 Stipulation and Settlement of Class Action Claims filed on October 7, 2016.

19 This matter is now before the Court on Plaintiffs' Motions for Final Approval of the Class  
20 Action Settlement, Attorneys' Fees and Costs, and Class Representative Enhancement. The Court  
21 has read, heard, and considered all of the pleadings and documents submitted, and the presentations  
22 made in connection with the Motions which came for hearing on February 17, 2017.

23 The hearing was attended by class counsel, Thomas W. Falvey from the Law Offices of  
24 Thomas W. Falvey and Carol L. Gillam from The Gillam Law Firm. Defendant was represented by  
25 David J. Dow of Littler Mendelson, P.C.

26 This Court finds that the proposed settlement is the product of serious, informed, non-  
27 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential  
28 treatment to any individuals. The Court finds that the settlement was entered into in good faith. The

1 Court further finds that the settlement is fair, reasonable and adequate and that Plaintiffs have  
2 satisfied the standards for final approval of a class action settlement under California law.

3  
4 Based on the foregoing, IT IS HEREBY ORDERED THAT:

5 1. The Court has jurisdiction over the claims of the Settlement Class Members asserted  
6 in this proceeding and released by the Settlement Agreement;

7 2. For the reasons set forth in the Preliminary Approval Order of August 19, 2016,  
8 which is adopted and incorporated herein by reference, this Court finds that the applicable  
9 requirements of the California Code of Civil Procedure § 382 have been satisfied with respect to the  
10 Settlement Class and the proposed settlement. The Court hereby makes final its earlier provisional  
11 certification of the Settlement Class, as set forth in the Preliminary Approval Order and Joint  
12 Stipulation and Order re Amendment to Stipulation and Settlement of Class Action Claims. The  
13 Court finds the following class has been certified and is subject to the Settlement as "Settlement  
14 Class Members":

15 **All persons who are or were employed by First Student, Inc. or**  
16 **First Student Management, LLC as bus drivers at First Student,**  
17 **Inc.'s Riverside (location 20816) and Corona (location 20414)**  
18 **locations from April 12, 2007 through August 19, 2016, the date of**  
19 **entry of the Preliminary Approval Order.**

20 3. The Notice given to the Settlement Class Members fully and accurately informed the  
21 Settlement Class Members of all material elements of the proposed Settlement including the fact that  
22 Settlement Class Member shares were based on estimates that may change before the final  
23 distribution amount is paid to the Participating Settlement Class Members. The Notice accurately  
24 informed the Settlement Class Members of their opportunity to object or comment thereon; was the  
25 best notice practicable under the circumstances; was valid, due and sufficient notice to all Settlement  
26 Class Members; and complied fully with the laws of the State of California, due process, and other  
27 applicable laws. The Notice fairly and adequately described the Settlement and provided Settlement  
28 Class Members adequate instructions and a means to obtain additional information.

4. A full opportunity has been afforded to the Settlement Class Members to participate  
in this hearing. A total of zero Settlement Class Members timely submitted objections to the  
Settlement. All Settlement Class Members and other persons wishing to be heard have been heard.

1 The objections to the Settlement have been heard and considered and are hereby overruled.  
2 Accordingly, the Court determines that all Settlement Class Members who did not timely and  
3 properly execute a Request for Exclusion are bound by this Judgment and Order. The Court finds  
4 that there are zero Settlement Class Members who submitted a valid Request for Exclusion.  
5 Accordingly, all Settlement Class Members who received Notice and did not exclude themselves are  
6 therefore bound by this Judgment and Order.

7 5. Pursuant to California law and Code of Civil Procedure § 382 et seq., the Court  
8 hereby grants final approval to the Settlement and finds that it is fair, reasonable and adequate, and  
9 in the best interests of the Settlement Class as a whole. The Court approves the Settlement Amount  
10 of Four Hundred Seventy Five Thousand Dollars and no cents (\$475,000.00) as fair, reasonable and  
11 adequate. The Settlement contemplated the Court's authority to reduce the attorneys' fees requested  
12 and Named Plaintiff enhancement to amounts below the amounts requested by Plaintiffs for those  
13 elements of the settlement. Accordingly, the Court hereby directs that the Settlement be effected in  
14 accordance with the terms of the Stipulation and Settlement of Class Action Claims.

15 6. The Court approves attorneys' fees in the amount of \$158,333.33, which is 33-1/3%  
16 of the Settlement Amount. The amount of fees is hereby granted pursuant to California law, inter  
17 alia, because it falls within the range of reasonableness and the result achieved justifies the award.  
18 The Court approves the payment of attorneys' costs in the amount of \$50,000. The Court approves  
19 CPT Group, Inc.'s administration costs of \$13,000. The Court approves Service Awards of \$10,000  
20 to Plaintiff Heather Fierro and \$10,000 to Plaintiff James Tyrer. The Court approves that \$5,000.00  
21 of the Settlement amount be allocated to resolve PAGA claims, and that under California Labor  
22 Code § 2699(i), \$3,750 (75%) will be paid to the California Labor and Welfare Development  
23 Agency and \$1,250.00 (25%) shall be paid to Participating Settlement Class Members. Said awards  
24 and cost amounts shall be paid out of the total Settlement Amount as set forth in the Settlement  
25 Agreement and is hereby granted pursuant to California law.

26 7. It is hereby ordered that a Judgment be entered which will bar any future actions by  
27 Participating Settlement Class Members against the Released Parties (as defined in the Settlement  
28 Agreement) for any Released Claims (as defined in the Settlement Agreement) from the period of  
April 12, 2007, through August 19, 2016.

1 8. As of the Effective Date of the Settlement, each Settlement Class Member who did  
2 not timely opt out shall settle and release the Released Claims as set forth in the Settlement  
3 Agreement.

4 9. Without affecting the finality of this matter, this Court shall retain exclusive and  
5 continuing jurisdiction over this action and the parties, including all Settlement Class Members, for  
6 purposes of supervising, administering, implementing, enforcing, and interpreting the Settlement,  
7 and the distribution process thereunder.

8 10. Pursuant to CRC 3.771(b), Plaintiffs' counsel is ordered to post this judgment on  
9 counsel's web page for a period of sixty (60) days. Further, Plaintiffs' counsel is ordered to file with  
10 the Court and serve on all parties, a Notice of Entry of Judgment forthwith.

11 11. There being no just reason to delay, the Clerk is directed to enter this Judgment  
12 forthwith.

13 12. Pursuant to CCP § 384(b), the cy pres beneficiary will receive any unclaimed residual  
14 funds. As such, Plaintiff is ordered to file a declaration detailing the compliance with this Order on  
15 or before August 25, 2017, that will detail any residue that needs to be sent to the court approved cy  
16 pres beneficiary.

17 APPROVED AS TO FORM AND CONTENT:

18 LAW OFFICES OF THOMAS W. FALVEY

19 Dated: 1/23/2017 By: Thomas W. Falvey

20 Thomas W. Falvey, Esq.  
21 Attorneys for Plaintiffs and Class

22 THE GILLAM LAW FIRM

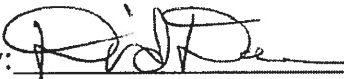
23 Dated: 1/24/2017 By: [Signature] for

24 Carol L. Gillam, Esq.  
25 Attorneys for Plaintiffs and Class

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LITTLER MENDELSON, P.C.

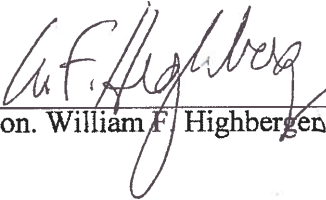
Dated: 1/23/17

By: 

David J. Dow, Esq.  
Attorneys for Defendant First Student, Inc.

**IT IS SO ORDERED.**

Dated: 2/17/17

  
Hon. William F. Highbergen