

JUN 13 2018

S. Salazar

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THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

ANGELA MARTINEZ, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

O'REILLY AUTOMOTIVE STORES and
DOES 1 through 50 inclusive,

Defendants.

CASE NO.: RIC 1308722

~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING FINAL APPROVAL

Date: June 11, 2018
Time: 8:30 a.m.
Dept.: 05

On December 14, 2017, the Court granted preliminary approval of this proposed class action settlement. In doing so, the Court also appointed a third party notice/claims administrator, CPT Group, Inc., and approved a comprehensive notice program to be administered by CPT Group, Inc. This matter is now before the Court on Plaintiff's unopposed motion for final approval.

The Court has read and considered all papers filed herein, including the Stipulation of Settlement, the ~~Stipulation of Settlement~~, the Memorandum of Points and Authorities in Support of

1 Final Approval, Plaintiffs' Application for Attorney's Fees and Costs and Request for Class
2 Representative enhancement, the Declarations of Andrei Larion from CPT Group, Inc., Angela
3 Martinez and Class Counsel John Glugoski. The Court has heard and considered all arguments
4 made at the Final Approval Hearing on June 4, 2018, and is otherwise fully informed in these
5 matters. ~~No objections were submitted by interested class members and no class members made an~~
6 appearance at the Final Approval Hearing.
7

8 Now, therefore, and good cause appearing,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

10 1. This Order and Judgment Granting Final Approval of Settlement ("Final
11 Judgment") incorporates by reference the definitions set forth in the Stipulation of Settlement and all
12 terms used herein shall have the same meanings as set forth in the Stipulation of Settlement.
13

14 2. This Court has jurisdiction over the subject matter of this litigation and over
15 all parties to this action, including all members of the Class.

16 3. The Court finds that the notice given to the Class of the settlement as described
17 in the Stipulation of Settlement and as approved and directed in the Preliminary Approval Order dated
18 December 14, 2017, has been completed and constituted the best notice practicable under the
19 circumstances. The notice program provided due and adequate notice of these proceedings and of the
20 matters set forth in the notice, including the settlement set forth in the Stipulation of Settlement, to all
21 persons and entities entitled to such notice, and said notice fully satisfied the requirements of due
22 process and applicable law. The Court further finds that the mailing of the Notice of Settlement to
23 class members was properly administered by CPT Group, Inc., pursuant to the Court's preliminary
24 approval order and that ~~in connection with the mailing of the notice there were neither objections to,~~
25 ~~nor exclusions from, the proposed settlement.~~
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28 4. This Court hereby approves the settlement set forth in the Stipulation of

1 Settlement and finds that said settlement is, in all respects, fair, reasonable, adequate and in the best
2 interests of the Class. In making this determination, the Court has considered the following factors,
3 among others: the strength of the Plaintiff's case; the risk, expense, complexity, and likely duration
4 of further litigation; the risk of maintaining class status through trial; the risk of achieving a result
5 favorable to either party at trial; the nature and extent of the discovery obtained and/or exchanged
6 voluntarily between the parties; the fact that the settlement resulted from arms-length negotiations
7 over the course of several months; the release which is narrowly tailored; the experience and views
8 of counsel for both parties; ~~the lack of any objections,~~ *only one objection* only one request for exclusion; and no
9 disputes regarding the number of workweeks. Further, the Court recognizes that Defendant is
10 represented by experienced and well-qualified attorneys with the knowledge and resources and
11 determination to mount a formidable defense to the merits of Plaintiff's allegations should this
12 matter continue to be litigated. Consummation of the settlement in accordance with the terms and
13 provisions of the Stipulation and Settlement Agreement of Class and Individual Claims is therefore
14 approved. The settlement shall be binding upon all members of the Class who were provided with
15 notice.
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18 5. The Court has reviewed class counsels' application for attorney's fees and
19 reimbursement of litigation costs. Class counsel capably represented the class in a manner in which
20 has resulted in a settlement well received by the class and which has been approved by this Court.
21 The case presented novel issues of law which are hardly settled in the field of wage and hour
22 litigation and the Court recognizes that the attorneys for the class worked diligently, responsibly and
23 with great care for the interests of the class members. Accordingly, the Court approves fees to
24 Righetti Glugoski, P.C. in the amount of \$29,166.67, plus the reimbursement of costs incurred in the
25 amount of \$10,000.00.
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27 6. The Court, having reviewed a request for additional compensation to the
28 named plaintiff, finds that such compensation is warranted. Plaintiff filed this action on behalf of a

1 large class and has devoted her time and effort to assisting class counsel in its prosecution. These
2 efforts have resulted in a substantial settlement for many individuals. Accordingly, the Court
3 approves the enhancement requests of Class Representative Angela Martinez in the sum of \$4,000
4 for work and efforts serving as the lead plaintiff.

5
6 7. The Court approves the payment of \$13,500.00 to claims administrator, CPT
7 Group, Inc., to cover the costs of mailing and administering the settlement.

8 8. The Court approves the payment of \$750.00 to the California Labor
9 Workforce Development Agency pursuant to the Private Attorneys' General Act.

10 9. This Final Judgment is entered pursuant to the Stipulation of Settlement of the
11 parties and is intended to effectuate the settlement more fully described in the Stipulation of
12 Settlement.

13
14 10. The Court maintains continuing jurisdiction to adjudicate any matters related to
15 this Judgment and Stipulation and Settlement Agreement of Class and Individual Claims, including
16 any disputes concerning allocation of fees and costs.

17 11. This matter is set on the Court's calendar on December 13, 2018 at 8:30 a.m.
18 for a status conference and final accounting. The parties are directed to file and serve declarations
19 establishing the status of the settlement administration at least five court days prior to that date.

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21 12. The Notice of Judgment ^{shall} will be mailed to class members from CPT Group,
22 Inc., pursuant to California Rules of Court 3.771(b) as follows:

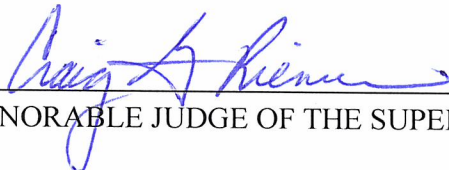
23 "PLEASE NOTE that on June 4, 2018, Judgment was entered in Martinez v.
24 O'Reilly Automotive, Riverside Superior Court, Case No. RIC 1308722 in favor of
25 individuals defined as "All current and former hourly paid employees who were
26 employed in California as Outbound Materials Handlers at O'Reilly's Moreno Valley
27 Distribution Center, at any time from January 1, 2010 through the date of Preliminary
28 Approval (referred to as the "Class Period"). You are receiving this notice as you are

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a member of the class of individuals affected by this Judgment.”

IT IS SO ORDERED.

Dated: June 12, 2018



HONORABLE JUDGE OF THE SUPERIOR COURT

Craig G. Riemer
Judge of the Superior Court