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12 *Attorneys for Plaintiff and the Class*

14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF RIVERSIDE**

17 **JASON OTT**, individually and on behalf of all
18 others similarly situated,

19 Plaintiff,

20 vs.

22 **CALIFORNIA BAPTIST UNIVERSITY**, a
23 California Non-Profit Corporation,

24 Defendant.
25
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27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 09 2021

M. Youngberg

Case No.: RIC 1904830

~~[Amended Proposed]~~ FINAL
APPROVAL ORDER AND
JUDGMENT

Date: January 12, 2020

Time: 8:30 a.m.

Dept.: PS2

Judge: Hon. David M. Chapman

1 Plaintiff Jason Ott's Motion for Final Approval of Class Action Settlement in the above-
2 captioned action came on regularly for hearing on January 12, 2021 at 8:30 a.m. in Department
3 PS2, the Honorable David M. Chapman presiding.

4 The Court, having reviewed and considered the papers filed herein, and having
5 considered all arguments offered regarding the Motions before this Court, rules as follows:

6 1. The Settlement Agreement is fully and finally approved and hereby incorporated
7 by reference. Except as otherwise specified herein and for purposes of this Final Approval
8 Order, the terms used in this Order have the meaning assigned to them in the Settlement
9 Agreement.

10 2. Pursuant to California Rule of Court 3.769(d), this Court makes final the
11 conditional class certification contained in the Order Granting Preliminary Approval of Class
12 Action Settlement on September 18, 2020 ("Prelim. Approval Order"), and thus certifies a class
13 defined as:

14 All current or former employees who, between September 23, 2015 and
15 September 18, 2020, performed the duties of an Adjunct Faculty Member for
16 CBU in California.

17 3. Plaintiff Jason Ott is hereby appointed and designated, for all purposes, as the
18 representative for the Class, and the law firms HammondLaw, P.C. and Jhaveri-Weeks Law are
19 hereby appointed and designated as counsel for the Class. The Court finds that Class Counsel
20 are experienced class action litigators who have expressed the view that the Settlement is fair,
21 reasonable, and adequate, which further supports the Settlement.

22 4. The Court hereby finds that the Class Notice has been mailed to the Class
23 Members as previously ordered by the Court, and that such Class Notice fairly and adequately
24 described the terms of the proposed Settlement Agreement, the manner in which Class Members
25 could object to or opt out of the settlement; was the best notice practicable under the
26 circumstances; was mailed with sufficient notice to the Class Members; and complied fully with
27 California Rule of Court 3.769 and all other applicable laws. The Court further finds that a full
28 and fair opportunity has been afforded to Class Members to participate in the proceedings

1 convened to determine whether the proposed Settlement Agreement should be given final
2 approval. Accordingly, the Court hereby determines that all Class Members who did not file a
3 timely and proper request to be excluded from the Settlement are bound by this Final Approval
4 Order.

5 5. The Court hereby finally and unconditionally approves the Settlement
6 Agreement, and specifically:

- 7 a. Approves the Total Settlement Amount of \$700,000;
- 8 b. Approves payment to CPT Group, Inc., the Settlement Administrator, of
9 \$14,500 as costs of settlement administration; and
- 10 c. Approves that any amounts from uncashed settlement checks be
11 distributed to Interdisciplinary Center for Healthy Workplaces as the qualified *cy pres* recipient
12 under Cal. Civ. Code § 384(b);
- 13 d. Approves the Releases contained in the Settlement Agreement;
- 14 e. Approves the allocation of PAGA penalties to the LWDA; and
- 15 f. Approves the payment from the Net Settlement Amount of amounts
16 determined by the Settlement Administrator to be due to Class Members, including the
17 allocation of such amounts between wages, and interest and penalties, as specified in the
18 Settlement Agreement.

19 6. The Court orders the following Implementation Schedule for further
20 proceedings:

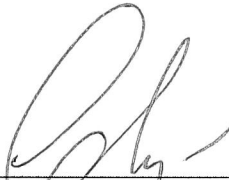
21 Within 14 business days after Final Effective Date	Defendant remit to the Settlement Administrator the Gross Settlement Amount
22 Within 20 calendar days after Final Effective Date	23 Settlement Administrator to distribute 24 and pay the Net Settlement Amount to 25 the Settlement Class Members, litigation costs and awarded attorneys' fees, and Service Award to the Class Representative

<p>1 Within 180 days of mailing of Class 2 Member Payment checks</p>	<p>Any uncashed checks become void and irrevocably waived</p>
<p>3 4 By September 30, 2021</p>	<p>5 The Parties are to report to the Court the 6 total amount that was actually paid to 7 the class members, after which the Court 8 shall amend the judgment to direct the 9 Settlement Administrator to pay the sum of the unpaid residue, plus any interest that has accrued thereon, to the Court- approved <i>cy pres</i> beneficiary</p>

10
11 7. The Court retains exclusive and continuing jurisdiction over the litigation for
12 purposes of supervising, implementing, interpreting, and enforcing this Final Approval Order
13 and the Settlement Agreement, and, if necessary, to conduct a further hearing on certification
14 of distribution of settlement amounts.

15 **IT IS SO ORDERED.**

16 Dated: 2-9-2021

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19 _____
HON. DAVID M. CHAPMAN
JUDGE OF THE SUPERIOR COURT

1 **Proof of Service**

2 I am a member of the bar of California. My business address is Jhaveri-Weeks Law, 351
3 California Street, Suite 700, San Francisco, CA 94104. On the date set forth below, I served the
4 foregoing:

5 **[Amended Proposed] FINAL APPROVAL ORDER AND JUDGMENT**

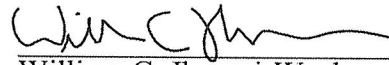
6 on the attorneys for parties in this action who are identified below, using the following means of service:

7 Andrew McNaught
8 Parnian Vafaenia
9 Seyfarth Shaw LLP
10 560 Mission Street, Suite 3100
11 San Francisco, CA 94105
12 amcnaught@seyfarth.com
13 pvafaenia@seyfarth.com

14 **BY ELECTRONIC TRANSMISSION.** On today's date, I requested and received agreement from
15 opposing counsel Parnian Vafaenia to serve the foregoing documents by electronic mail only to the
16 above recipients, given the COVID-19 crisis and the difficulty of mailing and receiving hard-copy
17 documents during a shelter-in-place order. Therefore, on today's date, I caused a true and correct copy
18 of the aforementioned document to be transmitted to the parties above via email.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
20 correct.

21 Executed on February 8, 2021 at San Francisco, CA

22 
23 _____
24 William C. Jhaveri-Weeks