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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER**

17 William Muller, individually and on behalf  
18 of all others similarly situated,

19 Plaintiff,

20 vs.

21 Roy Miller Freight Lines, LLC, a Delaware  
22 Company Corporation,

23 Defendant.

Case No. 30-2016-00874087-CU-OE-CXC  
[Class Action]

**FINAL JUDGMENT AND ORDER  
GRANTING FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: December 4, 2020  
Time: 1:30 p.m.  
Dept.: CX101  
Judge: Hon. Glenda Sanders

Complaint Filed: September 7, 2016  
Trial Date: None Set

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CIVIL COMPLEX LITIGATION CENTER

**DEC 18 2020**

DAVID H. YAMASAKI, Clerk of the Court

BY: \_\_\_\_\_, DEPUTY

1 On December 4, 2020, the Court held a hearing on the Motions of William Muller  
2 (“Plaintiff”), individually and on behalf of all others similarly situated, for Final Approval  
3 of Class Action Settlement between Plaintiff and Defendant Roy Miller Freight Lines, LLC  
4 (“Defendant”), and for Attorneys’ Fees and Costs.

5 Due and adequate notice having been given to Class Members, and the Court having  
6 considered the Joint Stipulation of Settlement and Release of Class Action (hereafter  
7 referred to as the “Settlement Agreement” or “Settlement”), a copy of which is attached as  
8 **Exhibit A to the Declaration of Jonathon Melmed filed on January 28, 2020 as**  
9 **ROA No. 181**, all of the legal authorities and documents submitted in support thereof, all  
10 papers filed and proceedings had herein, all oral and written comments received regarding  
11 the proposed settlement, and having reviewed the record in this litigation, and good cause  
12 appearing, the Court GRANTS final approval of the Settlement, HEREBY ENTERS FINAL  
13 JUDGMENT, and ORDERS AND MAKES THE FOLLOWING FINDINGS AND  
14 DETERMINATIONS:

- 15 1. All terms used in this Order Granting Final Approval of Class Action Settlement  
16 (the “Order”) shall have the same meanings given as those terms are used and/or  
17 defined in the parties’ Settlement Agreement.
- 18 2. The Court has personal jurisdiction over the Parties to this litigation and subject  
19 matter jurisdiction to approve this Settlement and all exhibits thereto.
- 20 3. For settlement purposes only and in accordance with California Rule of Court  
21 3.765(a), the Court finally certifies the Class, as defined in the Settlement  
22 Agreement as follows: “Plaintiff and all current and former truck drivers employed  
23 by Roy Miller Freight Lines, LLC in California, who were paid, in whole or in part  
24 on a piece-rate basis, and who worked during the Class Period from September 7,  
25 2012 to January 1, 2016 (Settlement Agreement § I.4).
- 26 4. The Court finds that in the context of the Settlement, the settlement class is (i)  
27 numerous and ascertainable because there is a sufficiently well-defined community  
28 of interest among the settlement class members on questions of law and fact,(ii)

1 the claims of the Representative Plaintiff ("Plaintiff") are typical of claims of the  
2 Class Members; and (iii) in negotiating, entering into and implementing the  
3 Settlement, Plaintiff and Class Counsel have fairly and adequately represented  
4 and protected the interest of the Class Members.

- 5 5. The Court is satisfied that CPT GROUP, INC., which functioned as the Settlement  
6 Administrator, completed the distribution of Class Notice to the Class in a manner  
7 that comports with California Rule of Court 3.766. The Class Notice informed 43  
8 individuals of the Settlement terms, their rights to submit a claim and receive their  
9 settlement share, their rights to submit a request for exclusion, their rights to  
10 comment on or object to the Settlement, and their rights to appear at the Final  
11 Approval Hearing, and be heard regarding approval of the Settlement. Adequate  
12 periods of time to respond and to act were provided. No Class Members requested  
13 exclusion from the Settlement. All 43 Class Members shall participate in and be  
14 bound by the Settlement.
- 15 6. No Class Members filed a written statement of intention to appear at the Final  
16 Approval Hearing, and no Class Members objected to the terms of the Settlement.
- 17 7. The Court hereby approves the terms set forth in the Settlement Agreement,  
18 directs the Parties to effectuate the Settlement Agreement according to its terms,  
19 and declares this Settlement Agreement to be binding on all Class Members.
- 20 8. The Court finds that the Settlement Agreement is fair, adequate, and reasonable,  
21 in compliance with all applicable requirements of the California Code of Civil  
22 Procedure, including Code of Civil Procedure 382, the California and United States  
23 Constitutions, the California Rules of Court, and any other applicable law, and that  
24 it is in in the best interests of the Class Members.
- 25 9. The Court also finds that the Settlement will avoid additional and potentially  
26 substantial litigation costs, as well as delay and risks if the Parties were to  
27 continue to litigate the case. Additionally, after considering the monetary recovery  
28 provided as part of the Settlement in light of the challenges posed by continued

1 litigation, the Court finds that the Settlement is fair and reasonable to the Class.

2 10. The Court finds that the Settlement Agreement has been reached as a result of  
3 informed and non-collusive arm's-length negotiations. The Court further finds that  
4 the Parties have conducted sufficient investigation and research, and their  
5 attorneys were able to reasonably evaluate their respective positions.

6 11. The Court confirms its appointment of Plaintiff as Class Representative and Craig  
7 J. Ackermann and Sam Vahedi of Ackermann & Tilajef, P.C. and Jonathan Melmed  
8 of Melmed Law Group P.C. as adequate class counsel.

9 12. Defendants shall fund the settlement in the gross amount of **\$215,000.00** in  
10 accordance with the terms of the Settlement Agreement and the allocations set  
11 forth in this Final Approval Order. The Court finds that the terms of the  
12 Settlement Agreement, including the Gross Maximum Settlement Amount of  
13 **\$215,000.00** is fair, adequate and reasonable to the Class, and the Court grants  
14 final approval of the Settlement. The Court orders the Parties to comply with and  
15 carry out all terms and provisions of the Settlement Agreement, and makes the  
16 following findings with respect to the allocations set forth in the Settlement  
17 Agreement:

18 a. The **\$6,000.00** payment to the Settlement Administrator, CT Group, Inc.,  
19 for its administration of the Settlement is fair and reasonable. The Court  
20 grants final approval of and orders the Parties to make the payment to the  
21 Settlement Administrator in accordance with the Settlement Agreement.

22 b. The **\$71,666.66** requested by Plaintiff and Class Counsel for Class  
23 Counsel's attorneys' fees is fair and reasonable. The Court grants final  
24 approval of, awards, and orders the Class Counsel Fees Payment to be  
25 made in accordance with the Settlement Agreement. The fees are to be split  
26 50/50 between Ackerman & Tilajef, P.C. and Melmed Law Group P.C.

27 c. The **\$10,795.09** requested by Plaintiff and Class Counsel for  
28 reimbursement of litigation expenses is fair and reasonable. The Court

1 grants final approval of and orders the Class Counsel Litigation Expenses  
2 Payment to be made in accordance with the Settlement Agreement.

3 d. The court approves the payment of a \$10,000 incentive award to Plaintiff.

4 13. As of the Effective Date (as defined in the Settlement) all Settlement Class  
5 members shall be deemed to have released all claims set forth in the Settlement  
6 Agreement and shall be bound by the Settlement Agreement and this Order.

7 14. Plaintiff is bound by the general release of claims against Defendant and the other  
8 Released Parties as set forth in the Settlement Agreement, and permanently  
9 barred from prosecuting against Defendant and the other Released Parties any and  
10 all of Plaintiff's Released Claims as defined in the Settlement Agreement.

11 15. The Parties shall bear their own respective attorneys' fees and costs except as  
12 otherwise provided in the Settlement Agreement.

13 16. Pursuant to California Rule of Court 3.769(h) and Code of Civil Procedure § 664.6,  
14 the Court retains jurisdiction solely for purposes of enforcing the Settlement  
15 Agreement, addressing settlement administration matters, and addressing such  
16 post-judgment matters as may be appropriate under court rules or applicable law.

17 17. The Court sets a Final Compliance Hearing for **October 8, 2021 at 1:30 p.m** in  
18 department CX101 of this Court. At least 5 court days before the hearing, Plaintiff  
19 shall submit a final report from the Settlement Administrator regarding the status  
20 of the settlement administration.

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18. This Final Judgment and Order is intended to be a final disposition of the above captioned action in its entirety and is intended to be immediately appealable. This Judgment resolves and extinguishes all claims released by the Settlement Agreement, against Defendants.

**IT IS SO ORDERED, ADJUDGED and DECREED.**

DATED: December 18, 2020

  
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HON. GLENDA SANDERS  
JUDGE OF THE SUPERIOR COURT OF CALIFORNIA