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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JACQUELINE F. IBARRA, an individual; on behalf of himself and all other similarly situated,

Plaintiff,

vs.

WELLS FARGO BANK, NA.; and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:17-cv-4344 PA(ASx)

Assigned to Hon. Percy Anderson

ORDER RE: PAYMENT OF JUDGMENT TO CLASS MEMBERS

ORDER


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2 After consideration of the Parties’ July 2, 2020 report concerning compliance
3 with the Ninth Circuit’s order for payment of a portion of the judgment pending
4 resolution of the *Ferra* case pending in the California Supreme Court, the Court
5 finds the proposals in the report supported by good cause and, **IT IS HEREBY**
6 **ORDERED as follows:**

- 7 1. On July 31, 2020, Wells Fargo shall deposit with the administrator, CPT
8 Group, the sum of \$25,696,122.35 (“the Fund”). This shall satisfy Wells
9 Fargo’s obligation to pay the existing portion of the judgment, subject to
10 any later increase in the judgment as a result of guidance provided by the
11 *Ferra* decision.
- 12 2. One fourth (1/4th) of the Fund (\$6,424,030.59) shall be held back to
13 potentially pay attorney’s fees to class counsel depending on the outcome
14 of counsel’s appeal of this Court’s attorney’s fee award.
- 15 3. The class representative incentive award of \$10,000 shall be paid from the
16 Fund.
- 17 4. All sums owed to CPT Group for administrative duties in this action shall
18 be paid from the Fund. CPT Group shall submit to the Parties a monthly
19 invoice detailing all administrative costs. CPT has estimated that its fees
20 in connection with the work it must perform in connection with
21 calculation, distribution and tax reporting of the current interim payout will
22 be \$ 30,000.00. That sum shall be held back and CPT shall be paid its
23 actual invoices from the Fund as submitted up to that amount.
- 24 5. The remaining portion of the Fund (after subtracting the holdbacks for
25 attorney’s fees and administrative fees and the payment of the class
26 representative incentive award) shall be distributed among the class
27 members proportionally with each class members’ share being based on
28 the value of their respective rest period claims assuming that the hour of

1 pay for each unpaid rest period is measured at each employee's hourly rate
2 as reflected on itemized wage statements (usually \$12 per hour).

3 6. Any remaining sums in the Fund after payment to the class members shall
4 be retained in an interest-bearing account and the terms of their distribution
5 will await further order from the Court following issuance of the *Ferra*
6 decision.

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9 Dated: July 14, 2020.

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13 _____
14 HONORABLE PERCY ANDERSON
15 United States District Judge
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