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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

SEP 30 2016

ALAN CARLSON, Clerk of the Court

G H 
BY G. HERNANDEZ

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF ORANGE

12 Coordination Proceeding) JUDICIAL COUNCIL COORDINATION
13 Special Title (Rule 3.550)) PROCEEDING NO. 4620
14) SUPERIOR COURT OF CALIFORNIA
15 **BOWERS COMPANIES WAGE AND**) COUNTY OF ORANGE NO. 30-2009-
16 **HR CASES**) 00241881
17) SUPERIOR COURT OF CALIFORNIA
18 Included actions:) COUNTY OF LOS ANGELES NO.
19) BC430069

20 Kahane v. Bowers Companies, Inc. d/b/a)
21 Bowers Ambulance; Pacific Ambulance, Inc.) Assigned for all Purposes to:
22) Hon. William Claster
23 Gonzales v. Pacific Ambulance, Inc.; Bowers)
24 Companies, Inc.) Dept. CX-102

25) ~~PROPOSED~~ ORDER AND FINAL
26) JUDGMENT RE: PLAINTIFFS' MOTION
27) FOR ATTORNEYS' FEES AND COSTS
28) AND CLASS REPRESENTATIVE
29) ENHANCEMENT AND MOTION FOR
30) CONDITIONAL CERTIFICATION AND
31) FINAL APPROVAL OF CLASS ACTION
32) SETTLEMENT

33) Date: September 30, 2016
34) Time: 9:00 a.m.
35) Dept.: CX-102

36) Action Filed: February 3, 2009

37 **[PROPOSED] ORDER AND FINAL JUDGMENT RE: PLAINTIFFS' MOTION**
38 **FOR ATTORNEYS' FEES & COSTS AND CLASS REPRESENTATIVE ENHANCEMENTS**
39 **FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

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1 The Plaintiffs' class, as defined below, and the settling Defendants Bowers Companies,
2 Inc. ("**Bowers**") and Pacific Ambulance, Inc. ("**Pacific**") (collectively "**Defendants**"), entered
3 into an agreement to settle the above-captioned class action, subject to the Court's approval. The
4 agreement is captioned Joint Stipulation and Agreement of Compromise and Settlement and the
5 Amendment to the Joint Stipulation and Agreement of Compromise and Settlement attached as
6 **Exhibit 1** and **Exhibit 2**, respectively, to the June 16, 2016 Preliminary Approval Order (the
7 "**Settlement Agreement**"),¹ all terms and conditions thereof, and the proposed settlement set
8 forth therein (the "**Settlement**"). The Preliminary Approval Order also approved the proposed
9 forms of notice and related documents. The court entered the Preliminary Approval Order after
10 review and consideration of all of the pleadings filed in connection herewith, and the oral
11 presentations made by counsel at the hearing.

12 In compliance with the Preliminary Approval Order entered June 16, 2016 and the order
13 approving the Revised Class Notice dated July 6, 2016, the Court approved notice was sent to the
14 Class Members via first class mail by the court approved Settlement Administrator, Rust
15 Consulting, Inc., on July 15, 2016.

16 This matter is now before the Court on Plaintiffs' Motions for Final Approval of the
17 Class Action Settlement, Attorneys' Fees and Costs, and Class Representative Enhancements.
18 The Court has read, heard, and considered all of the pleadings and documents submitted, and the
19 presentations made in connection with the Motions which came on for hearing on September 30,
20 2016.

21 The Court finds that the settlement is fair, reasonable and adequate, and that Plaintiffs,
22 William Gonzales and Joshua Kahane have satisfied the standards for final approval of a class
23 action settlement under California law.

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28 ¹ Capitalized terms used and not otherwise defined herein have the meanings given to them
in the Settlement Agreement.

1 The hearing was attended by class counsel, Joseph Antonelli Esq. of the Law Office of
2 Joseph Antonelli. The Defendants were represented by Wayne S. Flick and Ted A. Dillman of
3 Latham & Watkins, LLP.

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

5 1. The Court has jurisdiction over the claims of the Settlement Class Members
6 asserted in this proceeding and over all parties to the related actions.

7 2. For the reasons set forth in the Preliminary Approval Order of June 16, 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
10 the Settlement Classes and the proposed Settlement. The Court hereby makes final its earlier
11 provisional certification of the Plaintiff Classes, as set forth in the Preliminary Approval Order.
12 The Court finds the following class has been certified and is subject to the Settlement as “Class
13 Members:”

14 “**Class Member**” and “**Employee**” both refer to a member of the Classes certified for
15 purposes pursuant to the Court of Appeal Order filed June 27, 2013, consisting of the
16 following: (i) all hourly employees who worked shifts for Bowers after 2008 and who
17 worked shifts for Pacific after 2010 annualized pay plans, and (ii) all hourly field
18 employees from February 3, 2005 to August 4, 2013 who worked at least one (1) 12-hour
19 shift during this time. For purposes of the Settlement Agreement, the “**Settlement**
20 **Class**” shall mean all employees falling within the Classes certified by the Court of
21 Appeal. For purposes of the definition of Settlement Class, “field employees” consist of
22 employees of Defendants with the following job titles: (i) emergency medical technician
23 (EMT), (ii) paramedic, (iii) registered nurse, (iv) respiratory therapist, or (v) field training
24 officer (FTO). The Settlement Administrator and Class Counsel shall be responsible for
25 determining which current or former employees of the Defendants constitute Class
26 Members, based on the Class Data List previously provided to Class Counsel by the
27 Defendants.

1 3. The Court finds that the notice given to class members was the best notice
2 practicable under the circumstances; was valid, due and sufficient notice to all Class Members;
3 and complied fully with the laws of the State of California, due process, and other applicable
4 law. The notice fairly and adequately described the Settlement and provided Class Members
5 adequate instructions and a variety of means to obtain additional information. A full opportunity
6 has been afforded to the Class Members to participate in this hearing, and all Class Members and
7 other persons wishing to be heard have been heard. Accordingly, the Court determines that all
8 Class Members who did not timely and properly execute a Request for Exclusion are bound by
9 this Order and Final Judgment. Accordingly, all Class Members who did not timely exclude
10 themselves are therefore bound by this Order and Final Judgment. Pursuant to Paragraphs 2 and
11 16 of the Preliminary Approval Order entered by this Court on June 16, 2016, the Settlement
12 Administrator and Class Counsel shall be responsible for determining which current or former
13 employees of the Defendants constitute Class Members, based on the Class Data List previously
14 provided to Class Counsel by the Defendants. The Court finds that based on the declarations of
15 Abigail Schwartz of Rust Consulting, Inc. and Class Counsel, Joseph Antonelli that there have
16 been eleven (11) individuals who have sought inclusion into the class. The Settlement
17 Administrator and Class Counsel have determined that seven (7) of the eleven (11) Self-
18 Identified persons are properly part of the class and are bound by the terms of this Order and
19 Judgment. The remaining four (4) persons are not bound by this order or the terms of the
20 Settlement as they are not members of the Class. The Court further cuts off the time for any
21 person to be included in the class as of the date of entry of this Order.

22 4. Pursuant to California law and Code of Civil Procedure § 382 et seq., the Court
23 hereby grants final approval to the Settlement and finds that it is fair, reasonable and adequate,
24 and in the best interests of the Settlement Class as a whole. The settlement contemplated the
25 Court's authority to reduce the attorneys' fees requested and Class Representative enhancements
26 to amounts below the amounts requested by Plaintiffs for those elements of the settlement.
27 Accordingly, the Court hereby directs that the Settlement be effected in accordance with the
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1 terms of the Settlement Agreement, attached as Exhibits 1 and 2, respectively, to the Preliminary
2 Approval Order, entered on June 16, 2016.

3 5. Upon entry of this final approval order, the Release set forth in Paragraphs 7.2
4 and 7.3 of the Settlement Agreement are approved in all respects.

5 6. It is hereby ordered that the Class Representative Enhancements are awarded as
6 follows: ~~\$15,000.00~~ ^{\$20,000} for William Gonzales and ~~\$15,000.00~~ ^{\$20,000} for Joshua Kahane. This finding is
7 made after reading all papers including the declarations and supplemental declarations.

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8 7. The Court approves attorneys' fees of \$566,610. Therefore, of the total
9 \$1,700,000.00 estimated settlement recovery, the fee of \$566,610, or 33.33% of the total
10 settlement, is approved as fees and shall be payable solely as provided in the Settlement
11 Agreement from proceeds of the Settlement Consideration (if any). These attorneys' fees are
12 allocated as follows: Law Offices of Joseph Antonelli to receive \$141,652.50; Quintilone &
13 Associates to receive \$94,435; Law Offices of Kevin T. Barnes to receive \$141,652.50; The
14 Carter Law Firm to receive \$94,435; The Cooper Law Firm to receive \$94,435. The fee amount
15 is hereby granted pursuant to California law, inter alia, because it falls within the range of
16 reasonableness and the result achieved justifies the award. As to attorneys' and administration
17 costs, the Court approves the payment of attorneys' costs up to the amount of \$200,000 and Rust
18 Consulting, Inc.'s administration costs of \$29,373. Any amounts not claimed as allocated costs
19 shall be distributed to the class on a pro rata basis. Said costs amounts shall be paid solely out of
20 proceeds of the Settlement Consideration (if any) as set forth in the Settlement Agreement.
21 Pursuant to the Settlement Agreement, the Settlement Administrator shall be paid solely from
22 proceeds of the Settlement Consideration (if any).

23 8. The Court approves that \$25,000 of the gross settlement amount be allocated to
24 resolve PAGA claims, and that under California Labor Code § 2699(i) \$18,750 (75%) will be
25 paid to the California Labor and Welfare Development Agency.

26 9. It is hereby ordered that an Order and Final Judgment be entered which will bar
27 any future actions by 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

1 of February 3, 2005 to August 4, 2013. To the extent any Participating Class Members fail to
2 cash settlement checks within one (1) year of issuance, the uncashed checks shall be sent to the
3 California Department of Industrial Relations Unpaid Wage Fund in the name of the Class
4 Member.

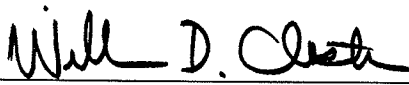
5 10. Without affecting the finality of this matter, this Court shall retain continuing
6 jurisdiction over this Action and the parties, including all Settlement Class Members, for
7 purposes of supervising, administering, implementing, enforcing, and interpreting the Settlement,
8 and the distribution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

9 11. Pursuant to CRC 3.771(b), Plaintiffs' counsel is ordered to post this Final
10 Judgment on counsel's web page for a period of sixty (60) days.

11 12. The Plaintiffs will file a report concerning the amount of money distributed
12 pursuant to California Code Civ. Proc., § 384(b), no later than March 3, 2017. The court hereby
13 sets a Final Distribution hearing for March 10, 2017 at 8:30 a.m., this will be a Non-Appearance
14 so long as the Report filed on March 3, 2017 satisfies the Court.

15 13. There being no just reason to delay, the Clerk is directed to enter this Order and
16 Final Judgment forthwith.

17 Dated: 9-30-16

18 
19 Judge of the Orange County Superior Court
20 **Judge William D. Claster**