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FILED
MADERA SUPERIOR COURT

SEP 21 2010

8 Attorneys for Plaintiff
9 RENE ROMO, individually and on behalf
10 of all similarly situated individuals

CLERK

DEPUTY

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF MADERA**

13 **CIVIL DIVISION**

14 RENE ROMO, Individually and on Behalf of)
15 All Similarly Situated Individuals,)

16 Plaintiff,)

17 vs.)

18 EVAPCO, INC., a Maryland Corporation;)
19 EVAPCO WEST, legal entity unknown;)
20 RALPH GARCIA, an individual, ROBERTO)
21 YBARRA, an individual, and DOES 1 through)
22 50, Inclusive,)

23 Defendants.)

CASE NO.: MCV 039364

CASE FILED: 02/15/08

**AMENDED NOTICE OF ENTRY OF
ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT,
DISMISSAL OF CLASS ACTION WITH
PREJUDICE AS TO CLASS MEMBERS
WHO OPTED OUT, AND SETTING OF
FURTHER HEARING ON STATUS OF
SETTLEMENT PAYMENTS**

ASSIGNED FOR ALL PURPOSES TO
JUDGE ERNEST J. LICALSI, DEPT. 4

DISCOVERY CUT-OFF: NONE
TRIAL DATE: NONE

24 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

25 PLEASE TAKE NOTICE THAT on August 30, 2010, the Court entered the following
26 Order (1) granting final approval of class action settlement; (2) dismissing with prejudice
27 Plaintiff's sixth through eleventh causes of action as to all Class Members who did not opt out;
28 and (3) setting a further hearing on October 14, 2010 at 8:30 a.m. for a status report on settlement
payments.

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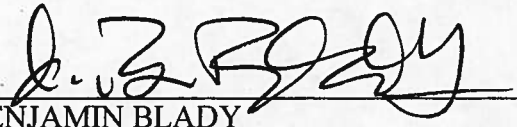
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Please find attached as Exhibit 1, a true and correct copy of the Order from the Court.

DATED: September 20, 2010

BLADY WEINREB LAW GROUP, LLP

By: 
I. BENJAMIN BLADY
Attorneys for Plaintiff
RENE ROMO, individually and on behalf
of all similarly situated individuals

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FILED
MADERA SUPERIOR COURT
AUG 30 2010
BONNIE THOMAS

5 Attorneys for Plaintiff
6 RENE ROMO, individually and on behalf
of all similarly situated individuals

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF MADERA

10 CIVIL DIVISION

11 RENE ROMO, Individually and on Behalf of)
All Similarly Situated Individuals,)

12 Plaintiff,)

13 vs.)

14 EVAPCO, INC., a Maryland Corporation;)
15 EVAPCO WEST, legal entity unknown;)
16 RALPH GARCIA, an individual, ROBERTO)
YBARRA, an individual, and DOES 1 through)
50, Inclusive,)

17 Defendants.)

CASE NO.: MCV 039364

CASE FILED: 02/15/08

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT

DATE: August 23, 2010

TIME: 8:30 a.m.

DEPT: 4

ASSIGNED FOR ALL PURPOSES TO
JUDGE ERNEST J. LICALSI, DEPT. 4

DISCOVERY CUT-OFF: NONE

TRIAL DATE: NONE

23 Plaintiff Rene Romo's Motion for Final Approval of Class Action Settlement with

24 Defendant Evapco Inc. came on hearing in Department 4 of the above-entitled Court on August
25 23, 2010, the Honorable Ernest J. Licalsi, Judge presiding.

26 Marnin Weinreb of Blady Weinreb Law Group appeared on behalf of Plaintiff/Class
27 Representative Rene Romo and the Settlement Class. Lindsay S. Fitch of Sayfarth Shaw LLP
28 appeared on behalf of Defendant Evapco, Inc.

1 Having read and considered the motion and points and authorities filed by the parties, and
2 having heard argument of counsel,

3 **IT IS ORDERED AND DETERMINED THAT:**

4 1. Pursuant to this Court's Preliminary Approval of Class Action Settlement, the
5 Notice of Proposed Class Action Settlement ("Notice") was sent to each Class Member by First
6 Class Mail. The Notices informed Class Members of the terms of the Settlement, the process
7 available to obtain monetary relief, the right to opt out and pursue their own remedies, the
8 opportunity to file written objections and the right to appear in person or by counsel at the fairness
9 hearing and be heard regarding the approval of the Settlement. Adequate periods of time were
10 provided by each of these procedures. No Class Members objected and only one opted-out.

11 2. The Court finds and determines that these procedures afford adequate protections to
12 Class Members and provide the basis for the Court to make an informed decision regarding
13 approval of the Settlement based on the Class Members' responses thereto. The Court finds and
14 determines that the notice provided in this case was the best notice practicable, which satisfied the
15 requirements of California Civil Code section 1781(e), California Rules of Court, Rule 3.769, and
16 due process.

17 3. The Court finds and determines that the terms of the Settlement Agreement are fair,
18 reasonable, and adequate to the Class and to each Class Member; that the Class Members who
19 have not opted out shall be bound by the Settlement Agreement; that the Settlement Agreement is
20 ordered and finally approved; and that all terms of the Settlement Agreement should be and hereby
21 are ordered to be consummated.

22 4. The Court finds and determines that payments to be made to the Class Members, as
23 provided for in the Settlement Agreement, are fair and reasonable, and gives final approval and
24 orders those payments to be made in accordance with the terms of the Settlement Agreement.

25 5. The Court finds that given the absence of objections, and objections being a
26 prerequisite to appeal, that the Court's order of final approval shall be considered final as of the
27 date of notice of entry and that August 23, 2010 shall be the "Effective Date."

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1 6. The Court orders that Defendant shall wire all monies necessary to fund the
2 settlement to the Administrator by September 13, 2010. Within 30 days from August 23, 2010
3 (final approval), the Administrator shall prepare settlement checks for each class claimant in the
4 amounts set-forth by the Administrator less any required deductions, and mail the same checks to
5 the all participating class members.

6 7. The Court orders and determines that \$323,750.00 in attorneys' fees, and an
7 additional amount for costs of \$20,000.00, shall be paid to Class Counsel for all work done and to
8 be done until the completion of this matter, and gives final approval to the Administrator for
9 payment of said amount be made to Class Counsel, "Blady Weinreb Law Group, LLP" in the total
10 amount of \$343,750.00 within 10 days from receipt of settlement funds from Defendant. Neither
11 party will file a Memorandum of Costs.

12 8. The Court orders and determines that the \$9,250.00 enhancement award to
13 Plaintiff/Class Representative Rene Romo is appropriate for his risk, service and incentive. The
14 Court finds that the award to Plaintiff is fair and reasonable, and gives final approval and orders
15 that the \$9,250.00 payment shall be made to Plaintiff by the Administrator within 10 days from
16 receipt of settlement funds from Defendant.

17 9. The Court orders and determines that up to \$15,000.00 be paid to the Administrator
18 for all of its agreed work done and to be done until the completion of this matter and is
19 appropriate.

20 10. The Court orders that a check for \$ 9,262.50 be issued by the Administrator to the
21 "State of California" for any claimed potential penalties under the California Labor Code Private
22 Attorney General Act of 2004 ("PAGA") and delivered to Class Counsel within 10 days from
23 receipt of settlement funds from Defendant.

24 11. The Court retains jurisdiction of all matters relating to the interpretation,
25 administration, implementation and effectuation of this Order and the Settlement Agreement.

26 12. Upon satisfaction of all payment and obligations under the Settlement Agreement
27 and under this Order, all settlement Class Members who did not opt out are permanently barred
28 from prosecuting against Defendant or its present or former officers, directors, shareholders,

1 employees, agents, principals, heirs, representatives, accountants, auditors, consultants, insurers,
2 and their respective successors and predecessors in interest, subsidiaries, affiliates, parents and
3 attorneys, any individual or class claims released in the Settlement Agreement.

4 13. This class claims in this Action - causes of action six, seven, eight, nine, ten and
5 eleven - are hereby dismissed with prejudice as to all Class Members who did not opt out.

6 14. The Court orders that this matter shall be set for a further hearing on
7 October 14 ^{8:30 am}, 2010 for a status report as to whether the Settlement payments ordered hereunder
8 were made.

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10 **IT IS SO ORDERED.**

11 Dated: AUG 30 2010

12 **ERNEST J. LICALSI**
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14 Judge of the Superior Court
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