

1 David D. Sohn (SBN 221119)
david@sohnlegal.com
2 SOHN LEGAL GROUP, P.C.
425 California Street, 19th Floor
3 San Francisco, CA 94104
Tel: (415) 421-1300
4 Fax: (415) 421-1815

5 David Borgen (SBN 099354)
dborgen@gbdhlegal.com
6 Laura L. Ho (SBN 173139)
lho@gbdhlegal.com
7 GOLDSTEIN, BORGEN, DARDARIAN & HO
300 Lakeside Drive, Suite 1000
8 Oakland, CA 94612
Tel: (510) 763-9800
9 Fax: (510) 835-1417

10 Attorneys for Plaintiff and the Putative Class

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 MARTHA MORAZAN, individually, and on
behalf of all others similarly situated,

15 Plaintiffs,

16 vs.

17 ARAMARK UNIFORM & CAREER
18 APPAREL GROUP, INC., A California
corporation; ARAMARK UNIFORM &
19 CAREER APPAREL, INC., a California
corporation; ARAMARK UNIFORM
20 SERVICES, INC., a California corporation;
ARAMARK UNIFORM & CAREER
21 APPAREL, LLC, a California limited liability
corporation; and DOES 1-20, inclusive,

22 Defendants.
23

Case No.: 13-CV-00936-YGR

CLASS AND REPRESENTATIVE ACTION

**[AMENDED PROPOSED] JUDGMENT AND
FINAL ORDER APPROVING SETTLEMENT
AND OVERRULING OBJECTION [AS
MODIFIED BY THE COURT]**

Date: November 12, 2013

Time: 2:00 p.m.

Courtroom No.: 5

Before: Hon. Yvonne Gonzalez Rogers

Trial: None Set

1 The Court, having granted preliminary approval of the class action settlement in this
2 matter on June 25, 2013, directed notice of the proposed settlement to all Class Members,
3 considered the Plaintiff's Motion for Final Approval of Settlement, the Declarations of David
4 Borgen, David Sohn, and Jennifer M. Keough, read and considered all of the papers of the
5 parties and their counsel, received a single timely objection to the proposed settlement, heard
6 oral argument at the final approval hearing, and with GOOD CAUSE APPEARING, IT IS
7 HERBY ORDERED, ADJUDGED, AND DECREED THAT:

8 1. The Court hereby finds that the notice of settlement, which has been mailed to all
9 class members as previously ordered by the Court, described the terms of the proposed Settlement
10 Agreement, provided the date of the fairness hearing, the manner in which class members could
11 object to or participate in the settlement, and the manner in which class members could opt out of
12 the class. The Court finds that it was the best notice practicable under the circumstances, and
13 complied fully with Federal Rule of Civil Procedure 23(c)(2)(B) and 23(e)(1), due process and all
14 other applicable laws. The Court further finds that a full and fair opportunity has been afforded to
15 all class members to participate in the proceedings convened to determine whether the proposed
16 Settlement Agreement should be given final approval. Accordingly, the Court hereby determines
17 that all class members who did not file a timely and proper request to be excluded from the
18 settlement are bound by this final Order.

19 2. Attached as Exhibit A is a list of class members who submitted valid requests for
20 exclusion. These class members are hereby excluded from the class and are not bound by the
21 Settlement or the Court's judgment in this action.

22 3. The Court finds that the Settlement Agreement is fair, reasonable, and adequate in
23 all respects, is not collusive, is the product of good faith, arm's-length negotiations between the
24 parties, and fully complies with all applicable provisions of law. Accordingly, the Court hereby
25 finally and unconditionally approves the Settlement Agreement, and specifically:

26 a. Approves the Maximum Settlement Amount of \$2,750,000 as fair,
27 reasonable, and adequate;

1 b. Approves that \$10,000 of the Maximum Settlement Amount be allocated to
2 resolve PAGA claims, and that under Labor Code section 2699(i), 75% of that amount, or \$7,500,
3 will be paid to the California Labor and Workforce Development Agency;

4 c. Approves the Named Plaintiff and Class Representative Martha Morazan’s
5 requested service award of \$5,000, which is justified by the time and effort expended by Plaintiff
6 on behalf of the class and risk she assumed in bringing this action;

7 d. Approves Class Counsel’s attorneys’ fee request of \$687,500 as 25% of the
8 \$2,750,000 common fund settlement amount, finding no reason to depart from the benchmark
9 within the Ninth Circuit, and that a 1.49 multiplier on Class Counsel’s lodestar is warranted given
10 the results achieved;

11 e. Approves Class Counsel’s request for reimbursement of litigation expenses
12 of \$10,222.83;

13 f. Approves payment to the Garden City Group, the Claims Administrator, of
14 \$30,000 as costs and expenses of settlement administration;

15 g. Approves payment from the settlement fund of amounts determined by the
16 Settlement Administrator to be due to class members who did not timely opt out as specified in
17 the Joint Stipulation of Settlement.

18 4. The Court overrules the single objection timely filed on behalf of Mitchell
19 Marincovich, Ryan Compton, and Earnest Harrison, (“Objectors”). Class member Vincent Nava
20 filed an untimely request to join this objection, which request was denied by Defendant.
21 Objectors’ arguments regarding the fairness of the settlement amount, the manner in which
22 damages were estimated for purposes of settlement negotiations, the allegations of collusion by
23 class counsel, the adequacy and typicality of Plaintiff Morazan to represent the settlement class,
24 and the amount of requested attorneys’ fees are without merit.

25 5. This Judgment and Final Order shall have a res judicata effect and bar each
26 Plaintiff and each class member from bringing or maintaining any action asserting any of the
27 “Released Claims” as the term is defined in the Joint Stipulation of Settlement.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. This Court shall retain jurisdiction to enforce the terms of the Joint Stipulation of Settlement for one year.

7. The Clerk of the Court shall enter judgment in accordance with this Order.

8. This action shall be **DISMISSED WITH PREJUDICE**.

This Order terminates Dkt. Nos. 59 and 72.

IT IS SO ORDERED.

Dated: November 15, 2013



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT A

Morazan v. Aramark Uniform & Career Apparel Group, Inc.
Case No.: 13-CV-00936-YGR

CLASS MEMBERS WHO HAVE SUBMITTED VALID REQUESTS FOR EXCLUSION

1. Caroline E. Eid
2. Silvia F. Olay
3. Dina C. Saenz