

1 *Attorneys for Plaintiffs*  
 2 MARK F. SULLIVAN, State Bar No. 111011 JS 6  
 3 DONN S. TAKETA, State Bar No. 132654  
 4 JOEL R. VILLASENOR, State Bar No. 224395  
 5 GEORGE GALBRAITH, State Bar No. 243030  
 6 SULLIVAN TAKETA LLP  
 31351 Via Colinas, Suite 205  
 Westlake Village, California 91362-3755  
 Telephone: (818) 889-2299  
 Facsimile: (818) 889-4497  
 Email: donn.taketa@calawcounsel.com

7 BILL LANN LEE, State Bar No. 108452  
 8 TODD F. JACKSON, State Bar No. 202598  
 9 CATHA WORTHMAN, State Bar No. 230399  
 10 JULIA CAMPINS, State Bar No. 238023  
 11 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.  
 12 1330 Broadway, Suite 1800  
 Oakland, California 94612  
 Telephone: (510) 839-6824  
 Facsimile: (510) 839-7839  
 Email: tjackson@lewisfeinberg.com

13 CYNTHIA VALENZUELA, State Bar No. 186804  
 14 GLADYS LIMON, State Bar No. 228773  
 15 NANCY RAMIREZ, State Bar No. 152629  
 16 MEXICAN AMERICAN LEGAL DEFENSE  
 AND EDUCATIONAL FUND  
 634 S. Spring Street  
 Los Angeles, California 90014  
 Telephone: (213) 629-2512  
 Email: glimon@maldef.org

17 UNITED STATES DISTRICT COURT  
 18 CENTRAL DISTRICT OF CALIFORNIA

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 20 DANIEL A. GUTIERREZ, ET AL.,  
 21 PLAINTIFFS,  
 22 VS.  
 23 SCHMID INSULATION  
 24 CONTRACTORS, INC., ET AL.,  
 25 DEFENDANTS.

Case No. 2:08-cv-6010 DSF (JCx)  
**ORDER: FINALLY APPROVING  
 CLASS ACTION SETTLEMENT AND  
 PLAN OF DISTRIBUTION; (2)  
 ENTERING FINAL JUDGMENT; (3)  
 APPROVING SERVICE PAYMENT TO  
 NAMED PLAINTIFFS; (4)  
 APPROVING THE PAYMENT OF  
 REASONABLE COSTS TO THE  
 CLAIMS ADMINISTRATOR; AND (5)  
 RESERVING JURISDICTION**  
 Date: March 9, 2009  
 Time: 10:00a.m.  
 Place: Courtroom 840, Roybal Building

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1 WHEREAS, the Court having considered the Joint Stipulation of Settlement  
2 (“Settlement Agreement”), a full copy of which is attached hereto as Exhibit JS1,  
3 and having preliminarily approved the same on November 17, 2008; and

4 WHEREAS, the Court having entered an Order directing that notice be given  
5 to the Class, and notice having been individually mailed to the Class Members, and  
6 the Court having conducted a Fairness Hearing concerning the proposed  
7 Settlement; and

8 WHEREAS, the Court being familiar with this Action, and good cause  
9 appearing,

10 IT IS HEREBY ORDERED:

11 1. To the extent defined in the Settlement Agreement, attached  
12 hereto as Exhibit JS1 and incorporated herein by reference, the terms in this  
13 Order shall have the meanings set forth therein.

14 2. The Court has jurisdiction over the subject matter of this action,  
15 the Defendants, and the Class.

16 3. The Court has determined that the notice given to the Class fully  
17 and accurately informed all persons in the Class of all material elements of  
18 the proposed settlement, constituted the best notice practicable under the  
19 circumstances, constituted valid, due and sufficient notice to all Class  
20 Members, and complied fully with Rule 23 of the Federal Rules of Civil  
21 Procedure, the United States Constitution, and any other applicable laws.

22 4. The Court finally approves the Settlement Agreement as fair,  
23 reasonable and adequate in all respects to the Class Members pursuant to  
24 Rule 23 of the Federal Rules of Civil Procedure, and orders the parties to  
25 continue to implement the Settlement in accordance with the terms of the  
26 Settlement Agreement.

27 5. The Plan of Distribution as set forth in the Settlement  
28 Agreement providing for the distribution of the Net Settlement Fund to  
Class Members is approved as being fair, reasonable, and adequate to the  
Settlement Class Members pursuant to Rule 23 of the Federal Rules of  
Civil Procedure.

1 The Court approves the payment of \$10,000 each to Class  
Representatives Daniel Gutierrez, Arturo Navarrete, and Emiliano Reyna.  
These payments are for their service on behalf of the Class, which required  
substantial time and effort, as detailed in the papers submitted by Class  
Counsel. These payments are in addition to any amounts due to them under  
the terms of the Plan of Distribution. The Court orders that these payments  
be made to them in accordance with the terms of the Settlement Agreement.

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7. The Court approves the payment of reasonable costs to the Claims Administrator, Settlement Services, Inc., not to exceed \$90,000. In the event that the Claims Administrator's reasonable costs of administering this settlement exceed \$90,000, the Claims Administrator shall file a declaration with the Court explaining the basis for the costs in excess of \$90,000 and seeking approval for payment of the additional reasonable costs out of the amount remaining from the Net Settlement Payment.

8. The Court reserves exclusive and continuing jurisdiction over the class action, the Named Plaintiffs, the Class, and the Defendants for the purposes of (a) supervising the implementation, enforcement, construction, and interpretation of the Settlement Agreement, the Preliminary Approval Order, the distribution of Settlement Payments, the Final Judgment, and this Order; and (b) determining the application by Class Counsel for an award of attorneys' fees, costs, and expenses, which is considered concurrently herewith.

**IT IS SO ORDERED.**



Dated: 3/9/09

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The Honorable Dale S. Fischer  
United States District Judge