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13
14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 * * *

17 TERRY T. SNIPES, SR., an individual, residing
18 in San Joaquin County, California;

19 Case No. 2:15-cv-00878-MCE-KJN

20 Plaintiff,

21 vs.

22 DOLLAR TREE DISTRIBUTION, INC., a
23 Virginia Corporation; and Does 1–50, inclusive,

24 Defendants.

25 **CLASS ACTION**

26 **JUDGMENT AND ORDER
APPROVING CLASS ACTION
SETTLEMENT**

27 Date: **October 29, 2020**
28 Time: **2:00 p.m.**
Courtroom: **7**

29 **Judge: Hon. Morrison C. England, Jr.**

30 **Filed: April 1, 2015**
31 **Removed: April 23, 2015**
32 **Trial Date: TBD**

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Final Approval of Class Action Settlement came before this Court, the
3 Honorable Morrison C. England, Jr. presiding, on October 29, 2020. Defendant filed a
4 Statement of Non-Opposition (ECF No. 125) on October 15, 2020, The Court having considered
5 the papers submitted in support of the Motion, and Defendant's Non-Opposition, HEREBY
6 ORDERS THE FOLLOWING:

7 1. The Court has jurisdiction over the subject matter of this action, the Class
8 Representative, the Covered Class Members as defined in set forth in the Stipulation of Class
9 Action Settlement and Release on file herein ("Settlement"), and Dollar Tree Distribution, Inc.

10 2. Pursuant to the Order Granting Preliminary Approval of Class Action Settlement
11 and Release, the Class Notice was sent to each Settlement Class Member by first-class mail. The
12 Class Notice informed the Settlement Class Members regarding the terms of the Settlement, their
13 right to receive an Individual Settlement Payment, their right to object to the Settlement or to
14 elect not to participate in the Settlement and pursue their own remedies, and their right to appear
15 in person or by counsel at the final approval hearing and be heard regarding approval of the
16 Settlement. Adequate periods of time were provided by each of these procedures. None of the
17 Class Members filed written objections to the proposed Settlement as part of this notice period or
18 stated an intention to appear at the Final Approval Hearing. The Court finds and determines that
19 this notice procedure afforded adequate protections to the Settlement Class Members and
20 provides the basis for the Court to make an informed decision regarding approval of the
21 Settlement based on the responses of the Settlement Class Members. The Court finds and
22 determines that the notice provided in this case was the best notice practicable, which satisfied
23 the requirements of law and due process.

24 3. Pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 ("CAFA"),
25 the Attorney General of the United States and the appropriate state official in each state in which
26 a Settlement Class Member resides have been given notice of the preliminary approval of the
27 Settlement was filed with the Court, Dollar Tree served upon the appropriate state official of

1 each state in which a Settlement Class Member resides and the appropriate federal official a
2 notice of the Settlement consisting of: copies of the complaint in this action; a notice of the
3 scheduled judicial hearings in this class action; copies of the Settlement Agreement, proposed
4 notices of class action settlement and Class Members' right to request exclusion from the class;
5 and the names of Class Members who reside in each state and the estimated proportionate share
6 of the claims of Class Members in each state to the entire Settlement. The notice of Settlement
7 also invited comment on the Settlement. The Court finds and determines that Dollar Tree's
8 notice of the Settlement was timely, adequate, and compliant with the statutory requirements of
9 CAFA. Accordingly, 28 U.S.C. section 1715(e) has no application to the Settlement.

10 4. Pursuant to the Labor Code Private Attorneys General Act of 2004 ("PAGA"),
11 Cal. Lab. Code § 2699(l)(2), the State of California's Labor Workforce Development Agency
12 ("LWDA") has been given notice of the Settlement. Pursuant to PAGA, concurrent with the
13 motion seeking preliminary approval of the Settlement being filed with the Court, Dollar Tree
14 served upon the LWDA a notice of the Settlement consisting of: copies of the complaint in this
15 action; a notice of the scheduled judicial hearings in this class action; copies of the Settlement
16 Agreement, proposed notices of class action settlement and Class Members' right to request
17 exclusion from the class; and the names of Class Members who reside in each state and the
18 estimated proportionate share of the claims of Class Members in each state to the entire
19 Settlement. The notice of Settlement also invited comment on the Settlement. The Court finds
20 and determines that Dollar Tree's notice of the Settlement was timely, adequate, and compliant
21 with the statutory requirements of PAGA. Accordingly, Cal. Lab. Code § 2699(l)(2) has no
22 application to the Settlement.

23 5. The following seven (7) individuals have submitted valid and timely Requests for
24 Exclusion and are therefore excluded from the Settlement Class and not bound by the Release set
25 forth in Paragraph 3.19 of the Settlement and shall not receive an Individual Settlement Payment:
26 (1) Wael Amin; (2) Pablo Cruz; (3) Edgar Estrada; (4) Jose Lozano; (5) Brian Plasencia; (6)
27

1 Mark Ridley; (7) Jatel Vercher. Such individuals shall still receive an Individual PAGA Payment
2 and are bound by paragraph 3.17 of the Settlement.

3 6. The Court grants final approval, for purposes of settlement only, of the Settlement
4 Class as defined in the Settlement.

5 7. The Court finds and determines that the PAGA LWDA Payment is fair and
6 reasonable. The Court hereby grants final approval to and orders that payment.

7 8. The Court finds and determines that the fees and expenses in the amount of
8 Nineteen Thousand Five Hundred Dollars (\$ 19,500.00) for class administration services is fair
9 and reasonable and orders that amount be paid out of the Maximum Settlement Amount in
10 accordance with the Settlement.

11 9. The Court determines by separate order the request by Class Counsel for Class
12 Counsel Award, Class Counsel Costs, and Class Representative Payment.

13 10. The Court finds and determines that the Individual Settlement Payments to be
14 paid to members of the Covered Class (that did not timely submit valid Requests for Exclusion,
15 as provided for by the Settlement), are fair and reasonable. The Court hereby gives final approval
16 to and orders the payment of those amounts be made to members of the Covered Class that did
17 not timely submit valid Requests for Exclusion in accordance with the Settlement.

18 11. The Parties are hereby ordered to comply with the terms of the Settlement.

19 12. Upon completion of administration of the Settlement, the Settlement
20 Administrator will provide written certification of such completion to the Court and counsel for
21 the parties.

22 13. Nothing in this Order will preclude any action to enforce the Parties' obligations
23 under the Settlement or under this Order, including the requirement that Dollar Tree Distribution,
24 Inc. fund the Settlement Account in accordance with the Settlement.

25 14. Pursuant to the Settlement, members of the Covered Class who did not timely
26 exclude themselves from the Settlement are permanently barred from prosecuting the Released
27 Claims against the Released Parties under the Settlement.

15. Pursuant to the Settlement, the Class Representative shall be deemed to have
entered into a general release of all claims as set forth in Paragraph 3.17 of the Settlement.

3 16. Without affecting the finality of this Order in any way, the Court retains
4 jurisdiction of all matters relating to the interpretation, administration, implementation,
5 effectuation and enforcement of this Order and the Settlement.

6 17. The Court hereby enters Final Judgment in accordance with the terms of the
7 Settlement, the Order Granting Preliminary Approval of Class Action Settlement and Release
8 entered on June 19, 2020, and this Order.

9 18. This document will constitute a final judgment (and a separate document
10 constituting the judgment) for purposes of Rule 58, Federal Rules of Civil Procedure.

11 19. The Parties will bear their own costs and attorneys' fees except as otherwise
12 provided by the Court's order granting the Class Counsel Award and Class Counsel Costs.

IT IS SO ORDERED.

Dated: November 5, 2020


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE