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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 (Fresno Division)
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12 ISIDRO RODRIGUEZ, et al.,) CASE NO. CV-F-07-0671 LJO SMS
13 Plaintiffs,)
14 vs.) ORDER AND JUDGMENT
ON FINAL APPROVAL OF CLASS
ACTION SETTLEMENT
15 FIVE J'S TRUCKING, INC.,)
et al.,)
16 Defendants.)
17 _____)

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19 Pursuant to the Order On Preliminary Approval Of Class Action
20 Settlement filed herein October 28, 2008 (Doc. 42), a Final
21 Approval Hearing was held at 8:00 a.m. on February 3, 2009 in
22 Courtroom 4 of this Court. Plaintiffs, individually and on behalf
23 of all others similarly-situated (collectively "plaintiffs"),
24 appeared at the hearing by telephone through class counsel, Jerry
25 Budin. Defendants Mello Milk Transport and Jeffrey A. Mello
26 ("Mello") appeared at the hearing by telephone by counsel Keric J.
27 Cushing of Gianelli & Associates. The case was called at the
28 hearing and the Court inquired whether anyone else in the courtroom

1 was present to participate in the hearing. There was no response
2 to this inquiry. The Court then inquired of counsel whether they
3 expected anyone to appear at the hearing. Both counsel responded
4 in the negative.

5 Having considered Plaintiffs' Memorandum Of Points And
6 Authorities and Class Counsel's Declaration In Support Of Final
7 Approval Of Class Action Settlement and the papers previously filed
8 herein, the Court makes the following Findings:

9 1. No class member or interested individual appeared
10 personally at the time and place for the Final Approval Hearing
11 (February 3, 2009, 8:00 a.m., Courtroom 4) which was contained in
12 the Notice provided to all potential class members.

13 2. The Court finds that notice to the class was
14 the best practicable under the circumstances and was satisfied and
15 timely mailed as previously ordered by the Court.

16 3. The Court finds that the consideration for the
17 proposed settlement is fair, adequate, and reasonable.

18 4. The Court finds that there were no objections to
19 and one (1) request for exclusion from the proposed settlement.

20 5. The Court finds that the settlement was not
21 collusive, and that the parties have engaged in sufficient
22 discovery to understand the strengths and weaknesses of their own
23 and their opponent's cases.

24 6. The Court finds that the lawyers representing the
25 parties were competent and experienced counsel, and that no party
26 has been subjected to any undue influence in reaching the
27 settlement.

28 7. The Court finds that the attorney's fees and costs

1 requested by Class Counsel, Jerry Budin, in the total sum of
2 \$46,450.23 are fair and reasonable.

3 8. The Court finds that the formula for disbursement
4 of the settlement proceeds to the Class and the procedure for
5 administration of that disbursement as set forth in the Stipulation
6 Regarding Settlement Of Class Action are fair, adequate and
7 reasonable.

8 9. The Court finds that the Settlement Class members
9 are similarly-situated and meet the requirements for certification
10 of a class action under F.R.C.P. 23 and as a collective action
11 under 29 U.S.C. §216(b).

12 IT IS HEREBY ADJUDGED AND ORDERED that:

13 1. The Stipulation Regarding Settlement Of Class Action
14 filed herein on September 25, 2008 (Doc. 39) is approved in full;

15 2. Defendants Mello Milk Transport, Inc. and Jeffrey A.
16 Mello, jointly and severally, shall pay attorneys fees and costs in
17 the total sum of \$46,450.23 to Class Counsel, Jerry Budin, pursuant
18 to the procedures set forth in the Stipulation Regarding Settlement
19 Of Class Action;

20 3. Defendants Mello Milk Transport, Inc. and Jeffrey A.
21 Mello shall make payments to the Settlement Class members pursuant
22 to the procedures and formulas set forth in the Stipulation
23 Regarding Settlement Of Class Action;

24 4. This Court shall retain jurisdiction over this matter and
25 the parties for the purpose of enforcing compliance with said
26 Stipulation Regarding Settlement Of Class Action;

27 5. Upon defendants Mello Milk Transport, Inc. and Jeffrey A.
28 Mello's satisfaction of their obligations under said Stipulation

1 Regarding Settlement Of Class Action and the payment of all sums
2 pursuant thereto, plaintiffs' counsel shall notify the court,
3 whereupon this matter shall be dismissed with prejudice.

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IT IS SO ORDERED.

Dated: February 3, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE