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FILED
Superior Court of California
County of Los Angeles
11/19/2021

Sherri R. Carter, Executive Officer / Clerk of Court
By: A. Lim Deputy

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

16 GEOFFREY FRANK, et al.,
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18 Plaintiffs,
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20 v.
21 CITY OF PASADENA,
22
23 Defendant.

24 CASE NO. BC666535
25 Case Assigned for All Purposes to:
26 Judge Hon. William Highberger (Dept. 10)
27
28 Case Filed: June 26, 2017
Trial Date: None Set

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

Matter Heard

Date: November 19, 2021
Time: 11:00 a.m.
Place: Department 10



1 This matter came before the Court as the parties' Joint Motion for Final Approval of
2 Class Action Settlement (the "Joint Motion for Approval") along with Plaintiffs' Motion for
3 Attorneys' Fees, Costs and Incentive Awards (the "Plaintiff's Award Motion") on November 19,
4 2021 at 11:00 a.m. in Department 10 of the Superior Court of California for the County of Los
5 Angeles, the Honorable William Highberger, presiding.

6 Appearing for Plaintiffs Geoffrey Frank, Devin Swanson and Babak Zahabizadeh were
7 Michael Bruce Abelson and Vincent H. Herron of Halpern May Ybarra Gelberg LLC.

8 Appearing for Defendant City of Pasadena were Antoinette Hewitt and _____
9 _____ of Kutak Rock LLP and _____ of the City of
10 Pasadena.

11 Unless otherwise defined herein, all capitalized words and terms contained in this Order
12 Granting Final Approval of Class Action Settlement ("Final Order") shall have the same
13 meanings as set forth in the parties' Revised Settlement Agreement (Section I, *Definitions*, ¶¶
14 1.1-1.21).

15 On July 6, 2021, a Revised Order Granting Preliminary Approval of Class Action
16 Settlement ("Preliminary Approval Order") was entered by the Court, preliminarily approving
17 the parties' settlement of this Lawsuit pursuant to the terms of the Revised Settlement Agreement
18 and directing that notice be given to the members of the Settlement Class (the "Notice Plan").

19 Pursuant to the Notice Plan, and the subsequent September 17, 2021 Order and Joint
20 Stipulation Modifying Class Notice Procedures (the "Notice Stipulation"), the Class was notified
21 of the terms of the Revised Settlement and of the Fairness Hearing (to take place November 19,
22 2021) to determine: (1) whether the terms and conditions of the Revised Settlement Agreement
23 are fair, reasonable and adequate for the Release of the Released Claims against the Released
24 Parties and (2) whether the Final Order and Final Judgment should be entered; (3) whether, and
25 to what extent, the Court should grant Plaintiff's Award Motion.

26 A Final Approval Hearing was held on November 19, 2021. Prior to the Approval
27 Hearing, Pasadena tendered declarations setting forth its compliance with the Notice Plan's
28 Publication Notice and Full Class Notice requirements, as modified. Based on the sworn

1 averments of Defendant City and the Settlement Administrator (KCC, LLC), the Court finds that
2 Class Members were notified of their right to appear at the hearing to object to the proposed
3 settlement and/or the award of attorneys' fees and costs to Class Counsel and for Incentive
4 Payments to the Class Representatives.

5 The Court, (i) having heard and considered oral presentations made at the Final Approval
6 Hearing (including any materials and documents presented to the Court therein); (ii) having
7 reviewed and considered the Revised Settlement Agreement, the Notice Stipulation, the Joint
8 Motion for Final Approval, and Plaintiffs' Award Motion, and supporting papers and
9 declarations, including the pleadings filed in support of the Joint Motion for Preliminary
10 Approval and declarations and supplements thereto, and any timely and proper objections, and
11 (iii) having determined the Revised Settlement is fair, adequate and reasonable, and good cause
12 appearing thereon, make the following findings and determinations, which are consistent with
13 the Court's ruling dated November 19, 2021.

14 It is hereby **ORDERED, ADJUDGED** and **DECREED** that:

15 1. The Court, for purposes of this Final Order, adopts all defined terms set forth in
16 the Revised Settlement Agreement (Section I, *Definitions*, ¶¶ 1.1-1.21).

17 2. The Court has jurisdiction over the subject matter of this Lawsuit and over all
18 claims raised therein and all parties thereto, including Class Members.

19 3. The Class, which will bound by the Final Order and Final Judgment to be entered,
20 shall include all members the Class without exceptions or opt-outs.

21 4. The Court certifies, pursuant to California Code of Civil Procedure § 382 the
22 following Class:

23 "All persons or entities who paid a parking fee and/or received a parking citation at a Pay
24 & Display Meter in the City of Pasadena during the Class Period January 18, 2016
25 through April 3, 2017 (the Class Period)."

26 5. Plaintiffs Geoffrey Frank, Devin Swanson and Babak Zahabizadeh (who were
27 appointed Class Representatives pursuant to the Preliminary Approval Order, ¶ 6) fairly and
28 adequately represented the Class Members.

1 6. Michael Bruce Abelson and Vincent H. Herron of Halpern May Ybarra Gelberg
2 LLP (who were appointed Class Counsel pursuant to this Court’s Preliminary Approval Order, ¶
3 5) fairly, adequately, and competently represented the Class Members.

4 7. The Court finds, solely for purposes of considering the Revised Settlement, that
5 the requirements of Code of Civil Procedure § 382 are satisfied. Specifically, with respect to the
6 Class, the Court finds that: (a) the members of the Class are so numerous that their joinder is
7 impracticable; (b) there are questions of law and fact common to the Class which predominate
8 over any individual questions; (c) the claims of the Class Representatives are typical of the
9 claims of the Class; and (d) for purposes of settlement, a class action is superior to other
10 available methods for the fair and efficient adjudication of the controversy considering: (1) the
11 interest of the Class in individually controlling prosecution of separate actions, (ii) the extent and
12 nature of any litigation concerning the controversy already commenced by the Class, (iii) the
13 desirability or undesirability of concentrating the litigation of these claims in the particular
14 forum; and (iv) the difficulties likely to be encountered in the management of the Lawsuit.

15 8. Notice to the Class satisfied the requirements of due process, California Code of
16 Civil Procedure § 382 and Rule 3.766 of the California Rules of Court and (a) provided the best
17 notice practicable, and (b) was reasonably calculated under the circumstances to apprise
18 Settlement Class Members of the pendency of the Lawsuit, the terms of the Revised Settlement
19 Agreement, their right to appear at the Fairness Hearing, and their right to object to the Revised
20 Settlement.

21 9. The Court finds that the Notice Plan, as modified by the Notice Stipulation, and as
22 ultimately effectuated by Defendant City, constitutes the best notice practicable under the
23 circumstances and shall constitute due and sufficient notice to the Settlement Class of the
24 pendency of the Lawsuit, certification of the Settlement Class for settlement purposes only, the
25 terms of the Revised Settlement Agreement and the Final Approval Hearing, and satisfies the
26 requirements of California law and federal due process law.

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1 10. The Revised Settlement Agreement was arrived at following serious, informed,
2 adversarial and arms' length negotiations conducted in good faith by counsel for the parties and
3 as facilitated by an experienced mediator.

4 11. The parties' settlement, as set forth in the Revised Settlement Agreement, is in all
5 respects fair, reasonable, adequate and in the best interests of the Class, and it is approved. The
6 parties shall effectuate the Revised Settlement Agreement according to its terms. The Revised
7 Settlement Agreement shall be deemed incorporated herein as if explicitly set forth and shall
8 have the full force of an Order of this Court.

9 12. Upon the Effective Date of this Final Order, Plaintiffs and all Class Members and
10 their executors, estates, predecessors, successors, assigns, agents and representatives, shall be
11 deemed to have jointly and severally released and forever discharged the City and the City's
12 past, present, and future Mayor, council members, city managers, city clerks, finance directors,
13 employees, agents, attorneys, and their respective predecessors and successors in interest and
14 legal representatives ("Related Parties") from any and all claims, demands, rights, damages,
15 obligations, suits, and causes of action of every nature and description whatsoever, ascertained or
16 unascertained, suspected or unsuspected, existing or claimed to exist, including both known and
17 unknown claims of the Plaintiffs and all Class Members, that were brought against the City
18 and/or its Related Parties, or any of them, during the Class Period, arising out of the facts alleged
19 in the Lawsuit ("Released Claims"). Class Members provide this release conditioned upon
20 City's compliance with all provisions of the Revised Settlement Agreement.

21 13. Class Members shall be fully and forever barred from instituting or prosecuting in
22 any court or tribunal, either directly or indirectly, individually or representatively, any and all
23 Released Claims against the City or any Related Parties.

24 14. For the reasons set forth in the Plaintiffs' Motion for Attorneys' Fees, Costs and
25 Incentive Awards, the Court hereby awards Class Counsel attorneys' fees in the amount of
26 \$ ~~11,000,000~~ _____ and reimbursable expenses in the amount of \$26,481. As to Class
27 Representatives, the Court hereby awards each Class Representative \$ ~~11,000~~ _____ as a
28

1 service payment. The foregoing sums shall be paid by the City to Class Counsel within 30 days
2 of entry of this Final Order.

3 15. This Order does not constitute an expression by the Court of any opinion, position
4 or determination as to the merit or lack of merit of any of the claims or defenses of Plaintiffs or
5 Defendant. This Order is not an admission or indication by Defendant of the validity of any
6 claims in this action or of any liability or wrongdoing or of any violation of law.

7 16. Plaintiffs and the Class, on the one hand, and the Defendant, on the other, shall
8 take nothing further from the other side related to the allegations in the Lawsuit, or related to the
9 Released Claims, except as expressly set forth in the Revised Settlement Agreement and this
10 Final Order.

11 17. The Parties are authorized to implement the terms of the Revised Settlement
12 Agreement.

13 18. Pursuant to California Code of Civil procedure § 664.6 and Rule 3.769(h) of the
14 California Rules of Court, and without effecting the finality of the judgment, the Court reserves
15 exclusive and continuing jurisdiction over this Lawsuit, the Plaintiffs, the Class Members and
16 Defendant for the purpose of administering, consummating, enforcing, and interpreting the
17 Revised Settlement Agreement, the Final Order and the Final Judgment, including any release in
18 connection with the Revised Settlement Agreement, and for any other necessary purpose, and to
19 issue related orders necessary to effectuate the final approval of the Revised Settlement
20 Agreement.

21 19. The Settlement Administration, KCC, LLC, shall, forthwith, post the Final Order
22 and Judgment on the Lawsuit's settlement website www.franksclassactionsettlement.com.
23 Additionally, Pasadena shall, forthwith, post this Final Order on the City's internal, parking
24 services site (www.cityofpasadena.net/transportation/parking-info/) and the City of Pasadena's
25 homepage (www.cityofpasadena.net) where it shall remain visible for a period of no less than 60
26 days.

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20. ~~[The objections to the Revised Settlement and to Plaintiffs' Award Motion are without merit and are overruled.]~~

21. Defendant shall bear the costs of all Notice attendant to the implementation of the Revised Settlement Agreement and dissemination of this Final Order.

22. The Court is directed to enter this Final Order forthwith.

ORDER

IT IS SO ORDERED this FJc@ day of November 2021.

W.F. Highberger

William Highberger
Judge of the Los Angeles Superior Court

W.F. Highberger

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Geoffrey Frank, and all others similarly-situated, et al. v. City of Pasadena

LASC Case No. BC666535

I am over the age of 18 and not a party to the within action; I am employed by Halpern May Ybarra Gelberg LLP in the County of Los Angeles at 550 South Hope Street, Suite 2330, Los Angeles, California 90071.

On October 25, 2021, I served the document below described as:

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

The document was served by the following means:

- × **BY ELECTRONIC TRANSMISSION** Per the stipulated agreement between counsel, delineated in the Joint Initial Status Conference Class Action Response Statement of September 15, 2017 for electronic service via repository *Case Anywhere*, I transmitted the document described above to *Case Anywhere* for electronic service on the parties in listed below.

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Counsel for Defendant
CITY OF PASADENA

I declare under penalty of perjury under the laws of State of California that the foregoing is true and correct.

Executed on October 25, 2021 at Glendale, California.



Soonja Bin