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FILED
Clerk of the Superior Court

MAY 21 2021

By: S. Goodrich, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ILENE MORENO, CHERYL JAMES-
WARD, LARAY PETERSON, ANTHONY
GONZALEZ, HENRY DE LEON, and
KYLE LANESEY, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

DISNEY INTERACTIVE STUDIOS, INC.,
a California corporation; and DOES 2-50,
inclusive,

Defendants.

CASE NO. 37-2019-00039785-CU-BT-CTL

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR (1) FINAL APPROVAL OF
SETTLEMENT; (2) AWARD OF
ATTORNEYS' FEES AND LITIGATION
EXPENSES; (3) SERVICE AWARD TO
CLASS REPRESENTATIVES; AND
(4) APPROVAL OF *CY PRES*
RECIPIENT; AND ENTERING
JUDGMENT

[IMAGED FILE]

1 Pending before the Court is the Motion for (1) Final Approval of Settlement; (2) Award of
2 Attorneys' Fees and Litigation Expenses; (3) Service Award to Class Representatives; and
3 (4) Approval of *Cy Pres* Recipient ("Motion for Final Approval") relating to the settlement
4 ("Settlement") between plaintiffs Ilene Moreno, Cheryl James-Ward, LaRay Peterson, Anthony
5 Gonzalez, Henry De leon, and Kyle Lanese ("Plaintiffs") and defendant Buena Vista Catalogue
6 Co., d/b/a Disney Movie Club ("Defendant").

7 WHEREAS, on December 4, 2020, this Court entered an order granting Plaintiffs' motion
8 for preliminary approval of the Settlement (ROA# 69);

9 WHEREAS, counsel for the parties appeared before this Court on May 21, 2021, at which
10 time Plaintiffs requested final approval of the Settlement and Class Counsel requested the other
11 relief set forth in the Motion for Final Approval;

12 WHEREAS, due and adequate notice of the Settlement having been given pursuant to the
13 Preliminary Approval Order and the Agreement, and the Court having considered all papers filed
14 and proceedings had herein, and good cause appearing,

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

16 1. All terms and phrases in this Order shall have the same meanings ascribed to them
17 in the Agreement, unless otherwise noted.

18 2. The Court finds and determines that the notice procedure implemented in this
19 Action provides for the best notice practicable under the circumstances, and that such notice
20 procedure satisfies the requirements of California Rules of Court, rule 3.769, and due process.

21 3. The Court finds and determines that, having been properly notified of the
22 Settlement, no Class Member has objected to any aspect of the Settlement.

23 4. The Court finds and determines that the terms of the Settlement are fair, reasonable,
24 and adequate to the Class and the Class Members. The Court further finds and determines that
25 settlement of the Action at this time will avoid substantial additional costs by all Parties, as well as
26 the delay and risks that would be presented by the further prosecution of the Action. The Court
27 hereby grants final approval of the Settlement, approves the Agreement and each of the terms set
28 forth therein, and directs the Parties to effectuate and consummate the Settlement's terms as set

1 forth in the Agreement and this Order.

2 5. In giving final approval of the Settlement, the Court finds and determines that the
3 Class Members include all persons who did not exclude themselves from the Settlement Class,
4 which is defined in the Settlement Agreement, the Preliminary Approval Order, and this Order as:

5 All California residents who, between July 30, 2015 and December 4, 2020, were
6 enrolled by Disney in the Disney Movie Club. Excluded from the Class are all
7 employees of Disney, all employees of Plaintiffs' counsel, and the judicial officers
to whom this case is assigned.

8 6. The following persons submitted timely requests for exclusion from the Settlement
9 Class. Such persons are excluded from the Settlement, will not share in the Settlement, and will
10 not be bound by the Settlement's Release:

Name
Bruce Brady
Della Buford
Emily Canafax
Evan Carroll
Ana Cerda
Delores Damico
Jim Dequilla
Jason Dominguez
Laurie Grissom
Annamarie Kegher
Luke Pennels
Tonya L. Torraca
Alec Zhuravlyov

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23 7. The Court grants Class Counsel's motion for an award of attorneys' fees in the
24 amount of \$950,000, plus reimbursement of litigation expenses in the amount of ~~\$65,155.37~~ ^{45,155.37}. The
25 Court finds that the attorneys' fees are justified as a percentage of the class recovery under the
26 common fund doctrine and under the lodestar/multiplier approach; that the fee award is warranted
27 in light of the time Class Counsel invested in the case, the risk Class Counsel undertook in
28 prosecuting the action on a contingency basis, the results achieved, the novelty of the legal issues,

1 and the skill with which Class Counsel presented Plaintiffs' claims; and the litigation expenses
2 were reasonably incurred in the prosecution of the litigation. These amounts shall be paid from the
3 Settlement Amount in accordance with the Settlement Agreement.

4 8. The Court grants the request for service payments to be made in the amount of
5 \$5,000 each to Moreno, James-Ward, Peterson, Gonzalez, De leon, and Lanese, the named
6 plaintiffs and Class Representatives in the Action. The Court finds that these payments are
7 justified in light of the time spent, the risk undertaken, and the recovery obtained in representing
8 the interests of the Class. These amounts shall be paid from the Settlement Amount in accordance
9 with the Settlement Agreement.

10 9. The Court finds that the fees and expenses of the Settlement Administrator, CPT
11 Group, Inc., in the amount of \$98,000, are fair and reasonable. Such payment shall be made from
12 the Settlement Amount in accordance with the Settlement Agreement.

13 10. The Settlement Administrator shall proceed with payment of the attorneys' fees,
14 litigation expenses, Class Representative service payments, and distribution to the Participating
15 Class Members, in accordance with the Settlement Agreement and this Order.

16 11. The Court approves as the *cy pres* recipient Consumer Federation of California
17 Education Foundation, to receive any residual settlement funds due to uncashed settlement checks.
18 The Settlement Administrator is ordered to pay any *cy pres* amounts pursuant to the terms of the
19 Settlement Agreement.

20 12. Plaintiffs and all Class Members who did not exclude themselves from the
21 Settlement are bound by the terms of the Settlement Agreement, including its Release, and this
22 Order and Judgment. Pursuant to Section IX of the Settlement Agreement, immediately upon
23 entry of this Judgment, all of the claims to be released by Plaintiffs and Class Members shall be
24 released.

25 13. To provide notice to the Class pursuant to California Rules of Court, rule 3.771(b),
26 the parties are ordered to cause a copy of this Final Approval Order and Judgment to be posted by
27 the Settlement Administrator on the Settlement Website.

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1 14. Without affecting the finality of this Final Approval Order and Judgment, pursuant
2 to California Code of Civil Procedure section 664.6 and California Rules of Court, rule 3.769(h),
3 this Court retains continuing jurisdiction over the subject matter of the Action, the Class
4 Representatives, the Settlement Class Members, and the Defendant to administer the matters set
5 forth in the Settlement Agreement and implement and enforce the Settlement Agreement and this
6 Order and Judgment.

7 15. This Final Approval Order and Judgment shall constitute a final judgment that is
8 binding on the Parties and the Settlement Class Members. The Clerk is directed to promptly enter
9 this Order and Judgment on the register of actions.

10 IT IS SO ORDERED.

11 DATED: May 21, 2021

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Hon. Eddie C. Sturgeon
Judge of the Superior Court

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