

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**F I L E D**  
Clerk of the Superior Court

MAY 10 2010 ✓

By: K. Mulligan, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

KELLY SCHATMEIER, an individual suing  
on behalf of herself, all those similarly  
situated, and the general public,  
  
Plaintiff,  
  
vs.  
  
MASTERCUTS; and DOES 1 through 50.  
  
Defendants.

Case No. 37-2009-00088367-CU-CR-CTL

Judge: The Hon. Ronald L. Styn  
Dept: C-62

**[PROPOSED] ORDER FOR (1) FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT (2) APPROVAL OF  
PLAINTIFFS' FEES AND COSTS  
REQUEST (3) APPROVAL OF  
PLAINTIFFS' ENHANCEMENT AWARD  
REQUEST (4) ENTRY OF FINAL  
JUDGMENT**

Date: April 2, 2010  
Time: 8:30 a.m.  
Action Filed: April 23, 2009  
Trial Date: Not set.

On April 2, 2010 in department 62 of the above-entitled Court, Counsel for Class Representative, Kelly Schatmeier, appeared in this matter and petitioned this Court for an order of final approval of the Settlement of this class action, approval of plaintiffs' attorney fee and cost request, approval of plaintiffs' enhancement award request, and approval of the parties' request for entry of Final Judgment.

1  
2 Erik C. Jenkins, Esq. appeared on behalf of Class Representative, Kelly Schatmeier who  
3 was not present in court.

4 James A. Tabb, Esq. appeared on behalf of the Defendant, Mastercuts. A representative  
5 from Mastercuts was not present in court.

6 Having reviewed the materials presented by counsel and having listened to arguments  
7 presented in court, the Court makes the following orders:

8 1. Plaintiffs' unopposed motion for final approval of the class action settlement is granted  
9 for good cause shown on the grounds stated in the points and authorities in support thereto. The  
10 Court finds that the settlement is "fair adequate and reasonable" within the meaning set forth in the  
11 *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794 cited in Plaintiffs' points and authorities.

12 2. Plaintiffs' unopposed request for attorney's fee (inclusive of Plaintiff's costs) in the  
13 amount of \$500,000 is granted in full. The Court finds that Class Counsel's fees are reasonable  
14 given the contingent nature of this case, the complexity of the case, the time and energies required  
15 to litigate the case, the public benefit conferred by the resolution of this case, and the experience of  
16 the attorneys involved and the result obtained in the Settlement. Attorney fees shall be paid in  
17 accordance with the terms and conditions agreed upon by the parties in the Joint Stipulation for  
18 Class Action Settlement ("Settlement Agreement").

19 3. Costs – Pursuant to the Settlement Agreement, Class Counsel, at no cost to the  
20 Participating Class Members, has agreed to bear the costs associated with this matter including any  
21 administration costs exceeding \$50,000 (Paragraph 28). Litigation costs, which are normally  
22 chargeable to the class, are being absorbed by Class Counsel in this action and are those costs related  
23 to litigation including but not limited to court fees, mediation fees, travel expenses, online legal  
24 research charges, copy costs, facsimile costs, telephone costs, messenger service fees, and all pre and  
25 post costs related to the settlement and administration of this case. At the time of this notice, costs are  
26 estimated to exceed \$50,000.

27 3. Defendant, through the Claims Administrator, is directed to distribute settlement  
28 packages outlined in the Settlement Agreement to all Participating Class Members who submitted a

1 valid claim once final judgment is entered (*i.e.*, upon the execution and entry of this order, as set  
2 forth in Paragraph 5 below). Notwithstanding the entry of judgment herein, the Court shall retain  
3 jurisdiction to ensure compliance with this order.

4 4. The unopposed request for an Enhancement Award to Class Representative Kelly  
5 Schatmeier to be paid from the Maximum Potential Payment is granted in the amount of ~~\$20,000~~<sup>\$10,000</sup>.  
6 The Court finds that the Enhancement Award requested is in line with the contributions made by  
7 Ms. Schatmeier toward the resolution of this case.

8 5. The unopposed request for entry of Final Judgment is granted. JUDGMENT is hereby  
9 entered DISMISSING this action on the merits, with prejudice, and forever BARRING and  
10 ENJOINING all Participating Class Members from prosecuting any of the Released Claims against  
11 any Release Party (as set forth in the Settlement Agreement). *The case is hereby dismissed.*  
12 IT IS SO ORDERED.

13  
14 DATED: **MAY 10 2016**

  
\_\_\_\_\_  
HON. RONALD L. STYN