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FILED
Clerk of the Superior Court

JAN -6 2023

By: T. Abas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

LAURIE GORE and CYNTHIA TATE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

POTPOURRI GROUP, INC., a Delaware
corporation; CLARUS COMMERCE LLC,
a Connecticut limited liability company;
and DOES 2-50, inclusive,

Defendants.

CASE NO. 37-2020-00019745-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 AWARDS;
AND (4) APPROVAL OF *CY PRES*
RECIPIENTS; 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 Awards; and (4) Approval of *Cy Pres*
3 Recipients ("Motion for Final Approval") relating to the settlement ("Settlement") between
4 plaintiff Laurie Gore ("Plaintiff") and defendant Potpourri Group, Inc. ("PGI" or "Defendant").

5 WHEREAS, on September 9, 2022, this Court entered an order granting Plaintiff's motion
6 for preliminary approval of the Settlement (ROA# 186);

7 WHEREAS, counsel for the Parties appeared before this Court on January 6, 2023, at
8 which time Plaintiff requested final approval of the Settlement and Class Counsel requested the
9 other relief set forth in the Motion for Final Approval; and

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

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

14 1. All terms and phrases in this Final Approval Order and Judgment ("Order") shall
15 have the same meanings ascribed to them in the Settlement Agreement (ROA# 172 Ex. 1), unless
16 otherwise noted.

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

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

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

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

4 All California residents who, between June 10, 2016 and February 15, 2022, were
5 both (i) enrolled in any PGI VIP membership program, and (ii) charged at least one
6 membership fee for such program. Excluded from the Class are all employees of
7 Defendant, all employees of Plaintiff's counsel, and the judicial officers to whom
8 this case is assigned.

9 6. The following three individuals submitted timely requests for exclusion from the
10 Settlement Class: E. Carlene Leskar; Alicia Blanton; and Barbara W. Fass. Those individuals are
11 excluded from the Settlement, will not share in the Settlement, and will not be bound by the
12 Settlement's Release.

13 7. The Court grants Class Counsel's motion for an award of attorneys' fees in the
14 amount of \$874,000.00, plus reimbursement of litigation expenses in the amount of \$67,407.20.
15 The Court finds that the attorneys' fees are justified as a percentage of the class recovery under the
16 common fund doctrine and under the lodestar/multiplier approach; that the fee award is warranted
17 in light of the time Class Counsel invested in the case, the risk Class Counsel undertook in
18 prosecuting the Action on a contingency basis, the results achieved, the novelty of the legal issues,
19 and the skill with which Class Counsel presented Plaintiff's claims; and the litigation expenses
20 were reasonably incurred in the prosecution of the litigation. These amounts shall be paid from the
21 Settlement Amount in accordance with the Settlement Agreement.

22 8. The Court grants the request for service awards in the amount of \$10,000 to Laurie
23 Gore and \$3,600 to each of Sue Blood, Gayle Hossack, Bill Jumonville, Shastine Keeney, Diane
24 Keppel, Charlene Rodela, Judith Searl, John F. Smith, Lynn Staysa, Cynthia Tate, and Toni
25 Zierold. The Court finds that these payments are justified in light of the time spent, the risk
26 undertaken, and the recovery obtained in representing the interests of the Class and assisting Class
27 Counsel. These amounts shall be paid from the Settlement Amount in accordance with the
28 Settlement Agreement.

1 9. The Court finds that the fees and expenses of the Settlement Administrator, CPT
2 Group, Inc., in the amount of \$99,000, are fair and reasonable. Such payment shall be made from
3 the Settlement Amount in accordance with the Settlement Agreement.

4 10. The Settlement Administrator shall proceed with payment of the attorneys' fees,
5 litigation expenses, service awards, and distribution to the Participating Class Members, in
6 accordance with the Settlement Agreement and this Order.

7 11. The Court approves as the *cy pres* recipients, Consumer Federation of California
8 and San Francisco Consumer Action, each to receive 50% any residual settlement funds due to
9 uncashed settlement checks. The Settlement Administrator is ordered to pay any *cy pres* amounts
10 pursuant to the terms of the Settlement Agreement.

11 12. Plaintiff and all Class Members who did not exclude themselves from the
12 Settlement are bound by the terms of the Settlement Agreement, including its Release, and this
13 Final Approval Order and Judgment. Pursuant to Section IX of the Settlement Agreement,
14 immediately upon entry of this Judgment, all of the claims to be released by Plaintiff and Class
15 Members shall be released.

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

19 14. Without affecting the finality of this Final Approval Order and Judgment, pursuant
20 to California Code of Civil Procedure section 664.6 and California Rules of Court, rule 3.769(h),
21 this Court retains continuing jurisdiction over the subject matter of the Action, the Class
22 Representative, the Settlement Class Members, and the Defendant to administer the matters set
23 forth in the Settlement Agreement and implement and enforce the Settlement Agreement and this
24 Order and Judgment.

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

28 IT IS SO ORDERED.

1 DATED: 1-6-23, 2023

GREGORY W. POLLACK

Hon. Gregory W. Pollack
Judge of the Superior Court

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