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7 Attorneys for Plaintiff
8 JAMES BOLEY, individually and on behalf
9 of others similarly situated

FILED
Superior Court of California
County of Alameda
11/07/2024
Clad Fluke, Executive Officer / Clerk of the Court
By: *A. Tumorong* Deputy
A. Tumorong

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ALAMEDA**

12 JAMES BOLEY, individually and on behalf
13 of others similarly situated,

14 Plaintiff,

15 vs.

16 CARS RECON, INC; and DOES 1 through
17 100, inclusive,

18 Defendants.

Case No. RG18921828

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

Reservation ID: A-18921828-002

Date: October 31, 2024

Time: 10:00 a.m.

Dept.: 23

Judge: The Hon. Michael Markman

1 This matter came on regularly for hearing on October 31, 2024, in Department 23 of the
2 above-entitled Court on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorney
3 Fee Award, Cost Award, and Class Representative Enhancement. Having fully reviewed and
4 considered the moving papers, and the Amended Joint Stipulation for Class Action Settlement and
5 Release (the "Settlement") between Plaintiff JAMES BOLEY ("Plaintiff") and Defendant CARS
6 RECON, INC. ("Defendant"), and good cause appearing, **IT IS HEREBY ORDERED** that the
7 Motion for Final Approval of Class Action Settlement, Attorney Fee Award, Cost Award, and Class
8 Representative Enhancement is **GRANTED** as follows:

9
10 1. This Order incorporates by reference the definitions in the Amended Joint
11 Stipulation re Class Action Settlement and Release ("Settlement"), which sets forth the terms and
12 conditions for this class action settlement, and all terms defined therein shall have the same
13 meaning in this Order as set forth in the Settlement. A copy of the Settlement was attached as
14 Exhibit 1 to the Declaration of Michael H. Kim, filed in support of Plaintiff's Motion for Final
15 Approval and is made a part of this Order.

16 2. The Court has jurisdiction over the subject matter of this proceeding and over all
17 Parties to this proceeding, including all Class Members.

18 3. The Court hereby GRANTS final approval of the Settlement upon the terms and
19 conditions set forth in the Settlement finding them to be fair, reasonable, and adequate. The Court
20 finds the Gross Settlement Amount of \$150,000, which Defendants must deposit into a settlement
21 fund to be established by the Settlement Administrator within ten (10) days after the Effective Date,
22 to be fair, reasonable, and adequate.

23 4. The Court finds that the requirements for certification under section 382 of the
24 California Code of Civil Procedure and other laws applicable to settlement approval of class actions
25 have been satisfied, and the Court hereby certifies, for settlement purposes, the following Class:
26 "All employees who were paid on a piece rate or flag rate basis by Defendant CARS RECON in
27 California from September 17, 2014 through June 7, 2024 (the date of preliminary approval)."
28

1 5. The Court has determined that the Notice Packet, referenced in the Declaration of
2 Regina Cutler of CPT Group, Inc., fully and accurately informed all Class Members of the material
3 elements of the Settlement, constituted the best notice practicable under the circumstances, and
4 constituted valid, due, and sufficient notice to all Class Members.

5 6. Because no objections were filed to the Settlement, the Effective Date of this
6 Settlement shall be the date upon which the Court grants final approval of the Settlement.

7 7. The Court now directs the Parties to effectuate the Settlement according to its terms
8 and declares the Settlement to be binding on all Participating Class Members.

9 8. The Court hereby confirms the appointment of Plaintiff James Boley as Class
10 Representative.

11 9. The Court hereby awards a service payment of \$5,000.00 to Plaintiff James Boley.
12 The Court finds that this amount to be fair and reasonable in light of his contributions and services
13 to this litigation.

14 10. The Court hereby confirms the appointment of Michael H. Kim, P.C. as Class
15 Counsel.

16 11. The Court hereby awards \$45,000.00 in attorneys' fees and \$30,000.00 in costs to
17 Class Counsel, as final payment for and complete satisfaction of any and all attorneys' fees and
18 costs incurred by and/or owed to Class Counsel. The Court finds that Class Counsel's request for
19 attorneys' fees and costs falls within the range of reasonableness and that the results achieved
20 justify the award. The payment of fees and costs to Class Counsel shall be made in accordance
21 with the terms of the Settlement.

22 12. The Court further approves the payment of \$10,000.00 to CPT Group, Inc. for the
23 fees and costs of administering the Settlement. The payment authorized by this paragraph shall be
24 made in accordance with the terms of the Settlement.

25 13. All Participating Class Members will be deemed to have released the Released
26 Parties from the Released Claims, as set forth in the Settlement. Class Members who did not object
27 to the Settlement as of the time of the Final Approval Hearing are barred from prosecuting or
28

1 pursuing any objection to the Settlement or appeal of this Order Granting Final Approval of Class
2 Action Settlement.

3 14. By signing and filing this Order, the Court decrees that the Participating Class
4 Members shall be conclusively deemed to have released and forever discharged the Released
5 Parties from all Released Claims. This release bars Participating Class Members from asserting any
6 of the Released Claims in any action or proceeding against any of the Released Parties.

7 15. The Parties shall bear their own attorneys' fees and costs, except as provided for in
8 the Settlement.

9 16. Within 10 days of this Order, the Settlement Administrator shall give notice of this
10 Order and Judgment to Settlement Class Members pursuant to California Rules of Court, Rule
11 3.771(b) by positing a copy of said order and final judgment on the website.

12 17. Without affecting the finality of this Order in any way, the Court retains jurisdiction
13 under California Rule of Court 3.769(h) of all matters relating to the administration, interpretation,
14 implementation, effectuation and enforcement of the Settlement.

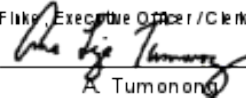
15 18. The administrator's final accounting/ disbursement report shall be filed with the
16 Court by R } ^ A G E C I.

17 19. The Court sets a final compliance hearing on R } ^ A G E C I / A O F C a at _____
18 in Department 23 regarding the final distribution and accounting of the settlement funds.

19 **IT IS SO ORDERED.**

20
21 DATED: 11/07/2024

22 
23 _____
24 JUDGE OF THE SUPERIOR COURT
25 **Michael Markman / Judge**
26
27
28

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 11/08/2024
PLAINTIFF/PETITIONER: James Boley	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Cars Recon, Inc.	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG18921828

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order Granting Final Approval entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.


Elizabeth Yong Mu
Freeman Mathis & Gary, LLP
elizabeth.mu@fmglaw.com

Michael Hyungchoon Kim
mkim@mhklawyers.com

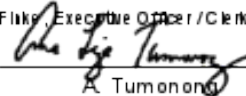
Dated: 11/08/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Tumonong, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 11/08/2024
PLAINTIFF/PETITIONER: James Boley	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Tumonorg
DEFENDANT/RESPONDENT: Cars Recon, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: RG18921828

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

James Boley
1633 Bayshore Highway, Suite 333
Burlingame, CA 94010

John L. Fitzgerald
Freeman Mathis & Gary LLP
44 Montgomery Street
Suite 3580
San Francisco, CA 94104-

Dated: 11/08/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Tumonorg, Deputy Clerk

CERTIFICATE OF MAILING