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**FILED**

**10 MAR -1 PM 2:56**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY

*[Signature]*  
DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MICHAEL DOYLE, JOHN C SHIEH,  
JANICE BANNIGAN, SID LOYOLA, JEFF  
MARK on behalf of themselves, the general  
public and all others similarly situated

Plaintiffs,

vs.

AT&T SERVICES, INC. (Formerly SBC  
Services, Inc.) And DOES 1 through 10

Defendants.

Case No: Case No.: 08 CV 1275 JAH  
WMC

[Honorable John A. Houston]

**JUDGMENT AND ORDER OF  
DISMISSAL**

Date: March 1, 2010  
Time: 2:30 pm  
Courtroom: 11

This matter came before the Court on March 1, 2010, for final approval of the Settlement.

1 The parties have submitted their Settlement Agreement and Joint Stipulation evidencing their  
2 proposed settlement (the "Settlement"), which this Court preliminarily approved in its October  
3 20, 2009, Order. In accordance with the preliminary approval order, Class Members have been  
4 given notice of the terms of the Settlement and the opportunity to object to it or to exclude  
5 themselves from its provisions. In addition, pursuant to the Class Action Fairness Act of 2005,  
6 28 U.S.C. § 1715 ("CAFA"), the United States Attorney General, the California Attorney  
7 General and the Attorney Generals of each state where class members resided at the time notice  
8 was issued have been given notice of the Settlement.

9  
10 Having received and considered the Settlement, the supporting papers filed by the parties,  
11 and the evidence received by the Court in connection with preliminary approval, and the final  
12 approval hearing on March 1, 2010, the Court grants final approval to the Settlement, and  
13 **HEREBY ORDERS and MAKES DETERMINATIONS** as follows:

14  
15 All terms used herein shall have the same meaning as defined in the Stipulation.

16  
17 Pursuant to Federal Rules of Civil Procedure and due process, the Court hereby finally  
18 approves the Settlement set forth in the Settlement Agreement and Joint Stipulation and finds  
19 that such Settlement is, in all respects, fair, reasonable and adequate to the Class and to each  
20 Class Member and that the Class Members who have not opted out shall be bound by the  
21 Settlement, that the Settlement is ordered finally approved, and that all terms and provisions of  
22 the Settlement should be and hereby are ordered to be consummated. The Court further finds  
23 that the Stipulation and Settlement set forth therein were entered into in good faith following  
24 arms-length negotiations and is non-collusive, and that this Class as defined in the Stipulation be  
25 certified for settlement purposes only. The lone objection to the Settlement is hereby overruled.

1 Excluded from the Settlement are Twelve (12) persons who submitted valid and timely  
2 requests for exclusion. Every person in the Class who did not submit a timely Exclusion Form is  
3 a Class Member.

4  
5 The Stipulation and Settlement are not an admission by any of the Released Parties, nor is  
6 this Judgment a finding of the validity of any claims in the Action or of any wrongdoing by any  
7 of the Released Parties. Neither this Judgment, the Stipulation, nor any document referred to  
8 herein, nor any action taken to carry out the Stipulation is, may be construed as, or may be used  
9 as an admission by or against the Released Parties of any fault, wrongdoing or liability  
10 whatsoever. The entering into or carrying out of the Stipulation, and any negotiations or  
11 proceedings related thereto, shall not in any event be construed as, or deemed to be evidence of,  
12 an admission or concession with regard to the denials or defenses by the Released Parties and  
13 shall not be offered in evidence in any action or proceeding against the Released Parties in any  
14 court, administrative agency or other tribunal for any purpose whatsoever other than to enforce  
15 the provisions of this Judgment, the Stipulation, or any related agreement or release.  
16 Notwithstanding these restrictions, any of the Released Parties may file in the Action or in any  
17 other proceeding the Judgment, Stipulation, or any other papers and records on file in the Action  
18 as evidence of the Settlement to support a defense of res judicata, collateral estoppel, release, or  
19 other theory of claim or issue preclusion or similar defense as to the Released Claims.

20  
21 Pursuant to the Settlement, all Class Members (except for those who filed Exclusion  
22 Forms) are permanently barred from prosecuting against Defendants, and their former and  
23 present parents, subsidiaries, and affiliated corporations and entities, and each of their respective  
24 officers, directors, employees, partners, shareholders and agents, and any other successors,  
25 assigns, or legal representatives, any individual or class claims that were released as set forth in  
26 the Settlement, excluding FLSA claims, only, by those Class Members who did not submit claim  
27 forms pursuant to the Settlement.

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The parties are hereby ordered to comply with the terms of the Settlement.

This action and the claims alleged in the Complaint filed in the Action are hereby ordered dismissed with prejudice, each side to bear its own costs and attorneys' fees except as provided by the Settlement.

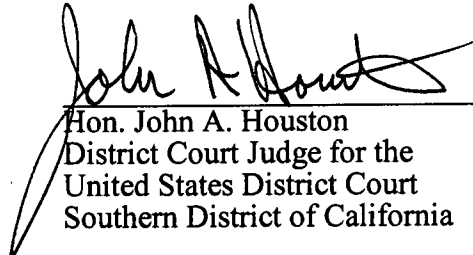
The Court finds that the Notice provided to Class Members was the best notice practicable under the circumstances of these proceedings and of matters set forth herein, and that the Notice fully satisfies the requirements of the Federal Rules of Civil Procedure, due process and any other applicable laws.

Any court order regarding the application for Class Counsel's attorneys' fees and Plaintiffs' enhancement awards shall in no way disturb or affect this Judgment and Order of Dismissal and shall be considered separate from this Judgment and Order.

Without affecting the finality of this Judgment and Order in any way, this Court hereby retains continuing jurisdiction over the interpretation, implementation and enforcement of the Settlement and the payments to be made under the Settlement.

**IT IS SO ORDERED.**

Dated: 3-1-10

  
\_\_\_\_\_  
Hon. John A. Houston  
District Court Judge for the  
United States District Court  
Southern District of California