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FILED
CLERK, U.S. DISTRICT COURT
DEC 1 2015
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANGIL SHAROBIEM, an Individual,
Individually and on behalf of, all others
similarly situated and the general public,

Plaintiff,

vs.

CVS PHARMACY, INC., a Rhode Island
corporation; CVS RX SERVICES, INC., a
New York corporation; GARFIELD
BEACH CVS, LLC, a California limited
liability company; and DOES 1-50,
inclusive,

Defendants.

Case No. 2:13-CV-9426-GHK (FFMx)

[ASSIGNED TO THE HONORABLE
CHIEF JUDGE GEORGE H. KING]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S UNOPPOSED
RENEWED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

³⁰
Date: November 23, 2015
Time: ~~9:30 a.m.~~ 9:00 a.m.
Courtroom: 650 (Roybal)

1 The Parties came for hearing on Plaintiff's Renewed Motion for Preliminary
2 Approval of Class Action Settlement on November ³⁰~~23~~, 2015, at ^{9:00}~~9:30~~ a.m. in the
3 District Court for the Central District of California, the Honorable Chief Judge
4 George H. King presiding. The Court, having considered the papers submitted in
5 support of Plaintiff's Motion, HEREBY ORDERS THE FOLLOWING:

6 1. To the extent terms in this Order are defined in the CVS 7 Day Cases
7 Settlement Agreement (the "Settlement Agreement"), submitted to the Court as
8 Exhibit 1 to the Declaration of V. James DeSimone, such terms shall have the same
9 meanings in this Order as in the Settlement Agreement.

10 2. For settlement purposes only, the Court grants class certification to the
11 proposed class of California CVS pharmacists in Region 60, appoints named
12 Plaintiff Michael Yee as Class Representative, and appoints Michael D. Seplow,
13 and Aidan C. McGlaze of Schonbrun Seplow Harris & Hoffman LLP; V. James
14 DeSimone of V. James DeSimone Law; Thomas W. Falvey, Michael H. Boyamian
15 and Armand Kizirian of the Law Offices of Thomas W. Falvey; and Hiram D.
16 Dadgostar, Alireza Alivandivafa, and Azadeh Dadgostar Gilbert as Class Counsel.
17 The Court finds counsel is experienced in representing plaintiffs in such matters
18 and the named Plaintiff has no known conflicts with the Class and worked in the
19 pharmacist position in CVS's Region 60 at issue during the relevant period.

20 3. The Court grants preliminary approval of the Settlement based upon
21 the terms set forth in the Settlement Agreement, the Addenda thereto (DeSimone
22 Declaration Exhibits 2 and 3), the Renewed Motion for Preliminary Approval, and
23 the declarations in support of the Motion, and all of the briefing and information
24 submitted in this case to date. The Settlement preliminarily appears to be fair,
25 adequate and reasonable to the Class.

26 4. The Settlement is supported by the recommendations of counsel and
27 was negotiated at arm's length, and is thus presumptively valid, subject to any
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1 objections that may be raised at the final fairness hearing, and to final approval by
2 this Court.

3 5. Class Counsel will file their motion for attorneys' fees and costs,
4 settlement administration costs, and enhancement award no later than 30 days after
5 the mailing of the Notice Packet, and will file their motion for final approval of the
6 settlement at least 28 days before the final fairness hearing. Settlement Class
7 Members shall file all written objections no later than 60 days after the Notice
8 Packet is mailed. The motions shall be posted on the Settlement Administrator's
9 website for this case within 48 hours of their being filed with the Court. Class
10 Counsel shall respond to any objections no later than 14 days before the final
11 fairness hearing.

12 6. A final fairness hearing on whether the proposed Settlement, requested
13 attorneys' fees and costs to Class Counsel, and the Class Representative's requested
14 enhancement payment, should be approved as fair, reasonable and adequate as to
15 the members of the Settlement Class will be held on April 11, 2016 at ^{9:00}~~9:30~~
16 a.m., in the Courtroom of the Hon. George H. King, Courtroom 650 of Roybal
17 Federal Building in Los Angeles, U.S. District Court for the Central District of
18 California.

19 7. The Court approves, as to form and content, the Notice of Class Action
20 Settlement and Request for Exclusion Form (the "Notice Packet"), attached to the
21 DeSimone Declaration as Exhibits 4 and 5, respectively. The Court approves the
22 procedure for Class Members to opt out of or object to the Settlement as set forth in
23 the Notice Packet.

24 8. The Court directs the mailing of the Notice Packet in accordance with
25 the Implementation Schedule set forth below. The Court finds that the dates
26 selected for the mailing and distribution of the Notice Packet meet the requirements
27 of due process, provide the best notice practicable under the circumstances and
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1 shall constitute due and sufficient notice to all persons entitled to notice of the
 2 proposed settlement.

3 9. The Court appoints Kurtzman Carson Consultants (KCC) as the
 4 settlement administrator, based on Counsel’s declaration, testifying that KCC has
 5 experience with similar matters, has performed competent work for Counsel in the
 6 past, and offered the most competitive bid from among several claims
 7 administrators; as well as on the Declaration of James Sean McGuire, testifying as
 8 to KCC’s experience.

9 10. The Court orders the following Implementation Schedule for further
 10 proceedings:

11 Deadline for Defendants to provide Class 12 Information to Settlement Administrator 13 and Class Counsel.	<u>December 10</u> , 2015 (10 days after Court enters an order granting preliminary approval).
14 Deadline for Settlement Administrator to calculate Net Pro Rata Distribution.	<u>December 17</u> , 2015 (7 days after receiving Class Information).
15 Deadline for Parties’ Counsel to review 16 calculations	<u>December 22</u> , 2015 (5 days after receiving Net Pro Rata Distribution).
17 Deadline for Claims Administrator to 18 Mail the Notice Packet to Class Members	<u>December 24</u> , 2015 (2 days after receiving approval of calculations from Counsel).
19 Deadline for Class Members to opt out 20 or submit written objections to the 21 Settlement	<u>February 22</u> , 2016 (60 days after Notice Packet is mailed by the Settlement Administrator).
22 Deadline for Class Counsel to file 23 Motion for Attorneys’ Fees and Costs, 24 Settlement Administrator Costs, and Enhancement Award	<u>January 23</u> , 2016 (30 days after Notice Packet is mailed).
25 Deadline for Class Counsel to file 26 Motion for Final Approval of Settlement	<u>March 14</u> , 2016 (28 days before the final fairness hearing).

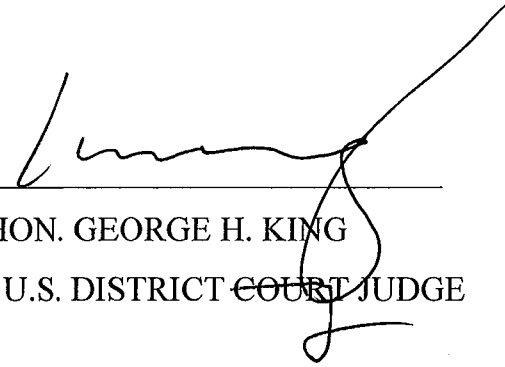
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Deadline for Class Counsel to file responses to objections to the Settlement or Motion for Attorneys' Fees and Costs, Settlement Administrator Costs, and Enhancement Award, if any	<u>March 28</u> , 2016 (14 days before the final fairness hearing)
Final Fairness Hearing and Final Approval	<u>April 11</u> , 2016

IT IS SO ORDERED.

DATED: November 20, 2015



HON. GEORGE H. KING
CHIEF U.S. DISTRICT COURT JUDGE