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9 For Plaintiff Alana Schwartz
and other persons similarly situated

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

13 **ALANA SCHWARTZ**, individually
and on behalf of other persons similarly
14 situated,

15 Plaintiff,

16 vs.

17 **DESTINATION MATERNITY**
CORPORATION and DOES 1-20,

18 Defendants.

Case No.: 14-CV-01477-GHK-FFM

**[proposed] ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Before the Hon. George H. King

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1 On December 7, 2015, at 9:30 a.m., the Court, the Honorable George H.
2 King presiding, conducted a hearing regarding the motion brought by Plaintiff
3 Alana Schwartz (“Class Representative”) for Final Approval of Class Action
4 Settlement. The parties appeared by their respective counsel of record.

5 After considering the evidence and argument provided by the parties, and
6 the pleadings and other papers on file in this action, the Court hereby GRANTS
7 final approval to the Settlement Agreement.

8 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 9 1. The Court has jurisdiction over the subject matter of this litigation and
10 over the parties to the Settlement Agreement.
- 11 2. For purposes of this Order, except as otherwise set forth herein, the
12 Court adopts and incorporates the definitions contained in the
13 Settlement Agreement.
- 14 3. The Court hereby finally approves and confirms the settlement set
15 forth in the Settlement Agreement and finds that said settlement is, in
16 all respects, fair, adequate, and reasonable to the Class.
- 17 4. Pursuant to Federal Rule of Civil Procedure (“Rule”) 23, the Court
18 finds that the Class satisfies the elements of Rule 23(a) and (b)(3).
19 Pursuant to Rule 23(g), the Court appoints previously-appointed Class
20 Counsel (James T. Ryan, P.C. and Law Office of Kenneth A.
21 Goldman, P.C.) as Counsel for the Class.
- 22 5. The Court finds that the persons identified in Exhibit “A” attached
23 hereto have timely and validly requested exclusion from the Class,
24 and therefore, are excluded accordingly. Such persons are not
25 included in or bound by this Final Judgment. Such persons are not
26 entitled to any recovery from the settlement.
- 27 6. The Court hereby dismisses on the merits and with prejudice the
28 claims asserted in this litigation by Plaintiff against Defendant

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Destination Maternity Corporation, with Plaintiff and Defendant to bear their own costs and attorneys' fees except as provided for in the Settlement Agreement.

7. The Court finds that the settlement Notice disseminated to the Class was the best notice that was practicable under the circumstances. Said Notice provided due and adequate notice of these proceedings and of the matters set forth therein, including the proposed settlement set forth in the Settlement Agreement, and fully satisfied the requirements of Rule 23(c)(2) and (e) and due process.
8. Without affecting the finality of this Judgment in any way, the Court hereby retains continuing and exclusive jurisdiction over: (a) implementation of the settlement and any relief to Class Members pursuant to further orders of this Court; (b) hearing and determining Plaintiff's application for attorneys' fees, costs, and Plaintiff's incentive award; (c) Defendant until the Final Judgment contemplated hereby has become effective and each and every act agreed to be performed by the parties has been performed pursuant to the Settlement Agreement; and (d) all parties and Class Members for the purpose of enforcing and administering the Settlement Agreement.
9. In the event the settlement does not become effective in accordance with the terms of the Settlement Agreement, then the judgment shall be rendered null and void and shall be vacated, and in such event, all orders entered and releases delivered in connection herewith shall be null and void and the parties shall be returned to their respective positions *ex ante*.
10. The Court finds, pursuant to Rule 54(a) and (b), that this Final Judgment should be entered and further finds that there is no just reason for delay in the entry of this judgment as a Final Judgment, as

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to the parties to the Settlement Agreement. Accordingly, the Clerk is hereby directed to enter Judgment forthwith.

IT IS SO ORDERED.

DATED: _____

Honorable George H. King
United States District Court Judge