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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF NEVADA

JUL 29 2019

JASON B. GALKIN
EXECUTIVE OFFICER & CLERK
By: K. JEFFERSON, Deputy Clerk

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF NEVADA

**FILE
BY FAX**

13 MICHAEL J. CRAMER and
14 BRIAN PADDOCK,

15 Plaintiffs,

16 v.

17 ELEMENTS MOUNTAIN COMPANY (f.k.a.
18 WALTMAN CONSTRUCTION, INC.);
19 JAIME J. LEGARE (a.k.a. JAIME J.
20 WALTMAN);
21 JOANNE WALTMAN;
22 MATTHEW A. WARREN; and
23 DOES 1-50,

24 Defendants.

CASE NO. TCU17-6880

~~[PROPOSED]~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
SETTLEMENT AND PLAINTIFFS'
REQUEST FOR AN AWARD
ATTORNEYS' FEES AND
REIMBURSEMENT OF COSTS

Action Filed: December 19, 2017
Trial Date: None

1 Plaintiffs Michael J. Cramer and Brian Paddock (“Plaintiffs”) brought a motion for an Order
2 granting final class action certification of the provisionally certified Class and granting final
3 approval of the settlement of this action as reasonable, adequate and fair to all members of the
4 certified Class. Plaintiffs brought a second motion for an award of Plaintiffs’ attorney fees and
5 reimbursement of costs pursuant to the settlement. The motions were set for hearing at 10 a.m. in
6 Department 6 of this Court on July 5, 2019.

7 The tentative ruling adopted by this Court on July 5, 2019 states: “Plaintiffs’ Motion for
8 Attorneys’ Fees and Costs is granted in whole. The court finds that the requested attorneys’ fees in
9 the amount of \$250,000 are reasonable. The court further finds that the contested expert fees of
10 \$12,811.25, and plaintiffs’ incentives in the amount of \$350 for each plaintiff, both constitute costs
11 subject to recovery under the parties’ settlement agreement.”
12

13 IT THEREFORE ORDERED THAT:

- 14 1. Final class action certification is granted of Plaintiffs’ Class which was provisionally certified
15 by this Court by written Order of March 12, 2019;
- 16 2. Final approval is granted of the proposed class action settlement on behalf of the certified Class.
- 17 3. Plaintiffs’ Counsel is awarded \$250,000 in attorney fees to be paid by Defendants over five
18 years, in equal parts. The first payment is due within twenty (20) days of entry this Order and
19 the remaining four payments are due on the same date for each of the next four years;
- 20 4. Defendants must reimburse Plaintiffs’ counsel \$16,818.16 in out of pocket costs to be paid by
21 Defendants within twenty (20) days of this Order.
- 22 5. Plaintiffs must pay an incentive award of \$350 to each Class Plaintiffs Michael Cramer and
23 Brian Paddock within twenty (20) days of this Order that shall be paid in the total amount of
24 \$700 to Plaintiffs’ Counsel as litigation costs, to be forwarded to Class Plaintiffs.
- 25 6. This Court retains jurisdiction to enforce the terms of this Order, the class action settlement as
26 approved by this Court, and the Settlement Agreement entered between Plaintiffs and
27 Defendants (and as provided in Section 3.1 of the Settlement Agreement).

28 Plaintiffs’ Motion for Final Approval of Class Action Settlement is granted as prayed. 2

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS SETTLEMENT AND PLAINTIFF’S
REQUEST FOR AN AWARD ATTORNEYS’ FEES AND REIMBURSEMENT OF COSTS -- TCU17-6880

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Plaintiffs' Motion for an Award for Attorneys' Fees and Reimbursement of Costs is granted as prayed.

Date: 7-12-19

S. ROBERT TICE-RASKIN
JUDGE OF THE SUPERIOR COURT