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1 On September 22, 2009, a hearing was held on the motion of Plaintiff Willie Lopez  
2 ("Plaintiff") for final approval of the class settlement (the "Settlement"). Stanley D. Saltzman  
3 and Marcus J. Bradley of Marlin & Saltzman ("Class Counsel") appeared for Plaintiff and the  
4 Class; and Phillip Eskenazi of Hunton & Williams appeared for Defendant Lowe's H.I.W., Inc.,  
5 (hereinafter "Lowe's").

6 The parties have submitted their Settlement, which this Court preliminarily approved by  
7 its April 23, 2009, Order ("Preliminary Approval Order"). In accordance with the Preliminary  
8 Approval Order, Class Members have been given notice of the terms of the Settlement and the  
9 opportunity to comment on or object to it or to exclude themselves from its provisions.

10 Having received and considered the Settlement, the supporting papers filed by the parties,  
11 and the evidence and argument received by the Court at the hearing before it entered the  
12 Preliminary Approval Order and the final approval hearing on September 22, 2009, the Court  
13 grants final approval of the Settlement, and HEREBY ORDERS and MAKES  
14 DETERMINATIONS as follows:

15 1. Pursuant to the Preliminary Approval Order, Proposed Settlement, Preliminary  
16 Court Approval of Settlement, and Hearing Date for Final Court Approval, Class Notice, Claim  
17 Form and a form of Election Not to Participate in Settlement were sent to each Class Member by  
18 first-class mail. These papers informed Class Members of the terms of the Settlement, their right  
19 to receive a Settlement Share, their right to comment on or object to the Settlement or to elect not  
20 to participate in the Settlement and pursue their own remedies, and their right to appear in person  
21 or by counsel at the final approval hearing and be heard regarding approval of the Settlement.  
22 Adequate periods of time were provided by each of these procedures. No Class Members filed  
23 written objections to the Settlement as part of this notice process or stated an intent to appear at  
24 the final approval hearing.

25 2. The Court finds and determines that this notice procedure afforded adequate  
26 protections to Class Members and provides the basis for the Court to make an informed decision  
27 regarding approval of the settlement based on the responses of Class Members. The Court finds  
28 and determines that the notice provided in this case was the best notice practicable, which

1 satisfied the requirements of law and due process.

2 3. The Court further finds and determines that the terms of the Settlement are fair,  
3 reasonable and adequate to the Class and to each Class Member and that the Class Members who  
4 have not opted out will be bound by the Settlement, that the Settlement is ordered finally  
5 approved, and that all terms and provisions of the Settlement should be and hereby are ordered to  
6 be consummated.

7 4. The Court finds and determines that the Individual Settlement Awards to be paid  
8 to the Participating Class Members as provided for by the Settlement are fair and reasonable.  
9 The Court hereby gives final approval to and orders the payment of those amounts be made to the  
10 Participating Class Members out of the Maximum Settlement Amount in accordance with the  
11 Settlement.

12 5. The Court finds and determines that the fees and expenses of Epiq Systems, Inc.,  
13 in administrating the settlement, in the amount of approximately \$359,528.14 are fair and  
14 reasonable. The Court hereby gives final approval to and orders that the payment of  
15 approximately that amount be paid out of the Maximum Settlement Amount in accordance with  
16 the Settlement.

17 6. The Court determines by separate order the request by Plaintiff and Class Counsel  
18 to the Class Representative Payment, Class Counsel Fees Payment, and Class Counsel Litigation  
19 Expenses Payment. All of the foregoing amounts ordered shall be paid out of the Maximum  
20 Settlement Amount in accordance with the Class Action Settlement Agreement.

21 7. Without affecting the finality of this order in any way, the Court retains  
22 jurisdiction of all matters relating to the interpretation, administration, implementation,  
23 effectuation and enforcement of this order and the Settlement.

24 8. Nothing in this order shall preclude any action to enforce the parties' obligations  
25 under the Settlement or under this order, including the requirement that Lowe's H.I.W., make  
26 payments to the Participating Class Members in accordance with the Settlement.

27 9. Upon completion of administration of the settlement, the Settlement  
28 Administrator will provide written certification of such completion to the Court and counsel for

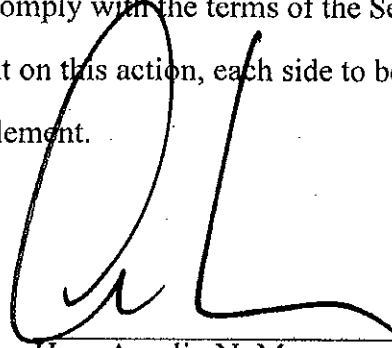
1 the parties.

2 10. Pursuant to the Settlement, Plaintiff and all Participating Class Members are  
3 permanently barred from prosecuting against Lowe's H.I.W., and its parents, predecessors,  
4 successors, subsidiaries, affiliates, and trusts, and all of its employees, officers, agents, attorneys,  
5 stockholders, fiduciaries, other service providers, and assigns, any of the claims released by them  
6 under the Settlement.

7 11. The parties are hereby ordered to comply with the terms of the Settlement.  
8 The Court hereby makes and enters final judgment on this action, each side to bear its own costs  
9 and attorneys' fees except as provided by the Settlement.

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12 DATED: \_\_\_\_\_

9/21/09



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Hon. Aurelio N. Munoz  
Superior Court Judge

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