

7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR KING COUNTY

9 JERRY MICHAEL BROOKS, on his own
10 behalf and on the behalf of all others similarly
11 situated,

11 Plaintiff,

12 v.

13 EITANE EMERALD CORP, (D/B/A
14 EMERALD CITY COMICON CORP), a
15 Washington for-profit Corporation; GEORGE
16 DEMONAKOS, individually and the marital
17 community composed of GEORGE
18 DEMONAKOS and JANE DOE
19 DEMONAKOS; and, JIM DEMONAKOS,
20 individually and the marital community
21 composed of JIM DEMONAKOS and JANE
22 DOE DEMONAKOS,

17 Defendants.

CLASS ACTION

NO. 16-2-11493-8 SEA

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

19 The Plaintiff's Motion for an Order Granting Final Approval of Class Action
20 Settlement came before this Court, on August 23, 2017. The above captioned Action is a
21 class action lawsuit brought by Plaintiff Jerry Brooks ("Plaintiff") Eitane Emerald Corp.,
22 George Demonakos, Jim Demonakos and their marital communities ("ECCC" or
23 "Defendants") (collectively the "Parties"). Plaintiff alleges that ECCC willfully failed to pay
Plaintiff and a certified class of employee workers ("Class") the prevailing minimum wage to

1 which they were entitled under Washington State. ECCC denies any and all wrongdoing, and
2 denies any liability to the Plaintiff or to members of the Class.

3 On May 31, 2017, this Court entered an Order Granting Preliminary Approval of
4 Settlement. That Order directed the Settlement Administrator to provide Notice to the Class,
5 which informed Class members of: (a) the proposed Settlement, and the Settlement's key
6 terms; (b) the date, time, and location of the Final Approval Hearing; (c) the right of any Class
7 Member to object to the proposed Settlement, and an explanation of the procedures to
8 exercise that right; and, (d) an explanation of the procedures for class members to participate
9 in the proposed Settlement.

10 The Court, upon Notice having been given as required in the Preliminary Approval
11 Order, and having considered the proposed Settlement Agreement (Exhibit 3 to Rekhi Decl
12 for Preliminary Approval), as well as all papers filed, hereby ORDERS, ADJUDGES AND
13 DECREES AS FOLLOWS:

14 1. This Court has jurisdiction over the subject matter of the Action and over all
15 Parties to the Action, including all members of the Settlement Class.

16 2. This Court confirms the proposed Settlement Class satisfies the requirements
17 of Civil Rule 23, as found in the Court's Order Granting Preliminary Approval of Class
18 Action Settlement, and finds that the Settlement Class is properly certified as a class for
19 settlement purposes only.

20 3. The Notice provided to the Settlement Class conforms with the requirements of
21 CR 23, the Washington and United States Constitutions, and any other applicable law, and
22 constitutes the best notice practicable under the circumstances, by providing notice to Class
23 Members who could be identified through reasonable effort, and by providing due and
adequate notice of the proceedings and of the matters set forth therein to the other Class
Members. The notice fully satisfied the requirements of due process.

4. The Court finds the Settlement was entered into in good faith as the result of

1 arm's-length negotiations between experienced attorneys, that the Settlement is fair,
2 reasonable, and adequate, and that the Settlement satisfies the standards and applicable
3 requirements for final approval of this class action Settlement under Washington law,
4 including the provisions of CR 23.

5 5. No Class Members have objected to the terms of the Settlement.

6 6. Upon entry of this Order, compensation to the participating members of the
7 Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

8 7. In addition to any recovery that Plaintiff may receive under the Settlement, and
9 in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court hereby
10 approves the payment of a service award to the Plaintiff, in the amount of \$5,000 to be paid
11 pursuant to the terms of the Settlement Agreement.

12 8. The Court approves the payment of 25% of the Settlement Fund as attorneys'
13 fees to be paid to Class Counsel in the amount of \$123,300.00. The Court also approves the
14 payment of \$1,447.81 to reimburse Class Counsel for litigation costs incurred for litigating
15 this case. Settlement Administrator will be paid an estimated \$14,100.00. The attorneys' fees
16 and costs awards shall be distributed to Class Counsel in accordance with the terms of the
17 Settlement Agreement.


18 9. Upon the date on which this order is entered (the "Effective Date"), the
19 Plaintiff and all members of the Settlement Class, shall have, by operation of this Order and
20 the accompanying Judgment, fully, finally and forever released, relinquished, and discharged
21 ECCC from all claims as defined by the terms of the Settlement, whether or not the
22 Settlement Class members execute and deliver a Claim Form. Upon the Effective Date, all
23 members of the Settlement Class shall be and are hereby permanently barred and enjoined
24 from the institution or prosecution of any and all of the claims released under the terms of the
25 Settlement.

26 10. Upon completion of administration of the Settlement, ECCC shall file a

1 declaration verifying that claims have been paid and that the terms of the Settlement have
2 been completed. This "Judgment" is intended to be a final disposition of the above captioned
3 action in its entirety, and is intended to be immediately appealable.

4 11. This Court shall retain jurisdiction with respect to all matters related to the
5 administration and consummation of the Settlement, and any and all claims, asserted in,
6 arising out of, or related to the subject matter of the lawsuit, including but not limited to all
7 matters related to the Settlement and the determination of all controversies relating thereto.

8 DATED this 23rd day of August, 2017.

9
10 
11 Honorable Susan J. Craighead
12 Superior Court Judge

13 Presented by:

14 REKHI & WOLK, P.S.

15 By: /s/ Hardeep S. Rekhi, WSBA #34579

16 Gregory A. Wolk, WSBA #28946

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