

1 THE HONORABLE ELIZABETH BERNS
2 Noted for Hearing: June 23, 2017 at 9:00 a.m.
3 With Oral Argument
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7 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
8 IN AND FOR KING COUNTY

9 TO'AVALU TUPUA, on her own behalf and on
10 the behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 SODEXO INC., a Delaware Corporation, and
14 SODEXOMAGIC LLC, a Delaware Limited
15 Liability Company,

16 Defendants.

NO. 16-2-08852-0 KNT

**ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

17 The Plaintiff's Unopposed Motion for an Order Granting Final Approval of Class
18 Action Settlement came before this Court, on June 23, 2017. The above captioned Action is a
19 class action lawsuit brought by Plaintiff To'avalu Tupua ("Plaintiff") Sodexo, Inc. and
20 Sodexomagic LLC ("Sodexo" or "Defendants") (collectively the "Parties"). Plaintiff alleges
21 that Sodexo willfully failed to pay Plaintiff and a certified class of employee hospitality
22 workers ("Class") the prevailing minimum wage to which they were entitled under Washington
23 State law and the City of SeaTac's Minimum Wage Ordinance. Sodexo denies any and all
wrongdoing, and denies any liability to the Plaintiff or to members of the Class.

On April 20, 2017, this Court entered an Order Granting Preliminary Approval of
Settlement. That Order directed the Settlement Administrator to provide Notice to the Class,

1 which informed Class members of: (a) the proposed Settlement, and the Settlement's key
2 terms; (b) the date, time, and location of the Final Approval Hearing; (c) the right of any Class
3 Member to object to the proposed Settlement, and an explanation of the procedures to exercise
4 that right; and, (d) an explanation of the procedures for class members to participate in the
5 proposed Settlement.

6 The Court, upon Notice having been given as required in the Preliminary Approval
7 Order, and having considered the proposed Settlement Agreement, attached thereto as **Exhibit**
8 **1**, as well as all papers filed, hereby **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

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

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

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

21 4. The Court finds the Settlement was entered into in good faith as the result of
22 arm's-length negotiations between experienced attorneys, that the Settlement is fair,
23 reasonable, and adequate, and that the Settlement satisfies the standards and applicable
requirements for final approval of this class action Settlement under Washington law, including
the provisions of CR 23.

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

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

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

7 8. The Court approves the payment of 20% of the Settlement Fund as attorneys'
8 fees to be paid to Class Counsel in the amount of \$63,000. The Court also approves the
9 payment of \$4,596.36 to reimburse Class Counsel for litigation costs incurred for litigating this
10 case and for fees and expenses incurred as the Settlement Administrator. The attorneys' fees
11 and costs awards shall be distributed to Class Counsel in accordance with the terms of the
12 Settlement Agreement.

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

21 10. Upon completion of administration of the Settlement, Sodexo shall file a
22 declaration verifying that claims have been paid and that the terms of the Settlement have been
23 completed. This "Judgment" is intended to be a final disposition of the above captioned action
in its entirety, and is intended to be immediately appealable.

 11. This Court shall retain jurisdiction with respect to all matters related to the
administration and consummation of the Settlement, and any and all claims, asserted in, arising

1 out of, or related to the subject matter of the lawsuit, including but not limited to all matters
2 related to the Settlement and the determination of all controversies relating thereto.

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4 DATED this 23 day of June, 2017.

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8 Honorable Elizabeth Berns
9 Superior Court Judge

10 Presented by:

11 REKHI & WOLK, P.S.

12 By: /s/ Gregory A. Wolk, WSBA #28946

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