



Allocation, the Opening Brief in Support of Class Counsel's Motion for an Award of Attorneys' Fees and Expenses and Class Representative's Service Award, the declaration of Class Representative in support thereof, the declarations of Class Counsel submitted in support thereof, the Stipulation and supporting exhibits, the papers and filings on record in this matter, and such additional evidence or argument as may be presented at the hearing.

Pursuant to Local Rule 7.1.1, Lead Class Counsel has conferred with counsel for Defendants prior to filing this Motion. Defendants' counsel indicated that Defendants support the final approval of the Settlement.

Dated: November 2, 2018

Respectfully submitted,

**COOCH AND TAYLOR, P.A.**

*/s/ Blake A. Bennett*

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*Lead Counsel for Plaintiff*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2018, I electronically filed the *Notice of Motion and Class Representative's Motion for (1) Final Approval of Class Action Settlement and Plan of Allocation; and (2) an Award of Attorneys' Fees and Expenses and Class Representative's Service Award* with the Clerk of Court using CM/ECF which will send notification of such filing to those registered as CM/ECF participants.

*/s/ Blake A. Bennett*

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Blake A. Bennett (#5133)

*Attorneys for Plaintiff*



2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including the Class Members.

3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court hereby approves the Settlement set forth in the Stipulation and finds that:

(a) said Stipulation and the Settlement contained therein, are, in all respects, fair, reasonable, and adequate and in the best interest of the Class;

(b) there was no collusion in connection with the Stipulation;

(c) the Stipulation was the product of informed, arm's-length negotiations among competent, able counsel; and

(d) the record is sufficiently developed and complete to have enabled Class Representative and Defendants to have adequately evaluated and considered their positions.

4. Accordingly, the Court authorizes and directs implementation and performance of all the terms and provisions of the Stipulation, as well as the terms and provisions hereof. Except as to any individual claim of those Persons (identified in Exhibit 1 attached hereto) who have validly and timely requested exclusion from the Class, the Court hereby dismisses the Action and all claims asserted therein with prejudice. The Settling Parties are to bear their own costs, except as and to the extent provided in the Stipulation.

5. As of the Effective Date, Class Representative and all Class Members, on behalf of themselves, and any and all of their respective successors-in-interest, successors, predecessors-in-interest, predecessors, representatives, trustees, executors, administrators, estates, heirs, assigns or transferees, immediate and remote, and any Person or entity acting for or on behalf of, or claiming under, any of them, and each of them, agree to and by operation of

this Final Approval Order do hereby forever release and discharge all Released Claims as against all Released Parties.

6. As of the Effective Date, Defendants agree to fully, completely, finally, and forever release, relinquish, and discharge Class Representative and Class Counsel from all claims, including Unknown Claims, arising out of or relating to the institution, prosecution, settlement, or resolution of the Action (provided, however, that this release, relinquishment, and discharge shall not include claims by the Settling Parties hereto to enforce the terms of the Settlement or the Stipulation).

7. As of the Effective Date, the Released Parties shall be deemed to be forever released and discharged from all of the Released Claims.

8. As of the Effective Date, Class Representative, all Class Members, Class Counsel, and any and all of their respective successors-in-interest, successors, predecessors-in-interest, predecessors, representatives, trustees, executors, administrators, estates, heirs, assigns or transferees, immediate and remote, and any Person or entity acting for or on behalf of, or claiming under, any of them, and each of them, will be forever barred and enjoined from commencing, instituting, maintaining, prosecuting, or asserting, either directly or in any other capacity, in any forum, any Released Claims against any of the Released Parties.

9. The Notice and Summary Notice given to the Class were the best notices practicable under the circumstances, including the individual notice to all Class Members who could be identified through reasonable effort. Said notices provided the best notice practicable under the circumstances of those proceedings and of the matters set forth therein, including the proposed Settlement set forth in the Stipulation, to all Persons entitled to such notice, and said

notice fully satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process.

10. All Persons whose names appear on Exhibit 1 hereto are hereby excluded as a Class Member, are not bound by this Final Approval Order, and may not make any claim with respect to or receive any benefit from the Settlement.

11. Any Plan of Allocation submitted by Lead Class Counsel or any order entered regarding any attorneys' fee and expense application shall in no way disturb or affect this Final Approval Order and shall be considered separate from this Final Approval Order.

12. Neither the Stipulation nor the Settlement contained therein, nor any act performed or document executed pursuant to or in furtherance of the Stipulation or the Settlement: (a) is or may be deemed to be or may be used as an admission of, or evidence of, the validity of any Released Claim, or of any wrongdoing or liability of the Defendants or their respective Related Parties, or (b) is or may be deemed to be or may be used as an admission of, or evidence of, any fault or omission of any of the Defendants or their respective Related Parties in any civil, criminal, or administrative proceeding in any court, administrative agency, or other tribunal. The Defendants and/or their respective Related Parties may file the Stipulation and/or this Final Approval Order in any other action that may be brought against any or all of them in order to support a defense or counterclaim based on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar or reduction, or any theory of claim preclusion or issue preclusion or similar defense or counterclaim.

13. Without affecting the finality of this Final Approval Order in any way, this Court hereby retains continuing jurisdiction over: (a) implementation of this Settlement and any award or distribution of the Settlement Fund, including interest earned thereon; (b) disposition of the

Settlement Fund; (c) hearing and determining applications for attorneys' fees and expenses in the Action; and (d) all parties herein for the purpose of construing, enforcing, and administering the Stipulation.

14. The Court finds that during the course of the Action, the Settling Parties and their respective counsel at all times complied with the requirements of Rule 11 of the Federal Rules of Civil

15. In the event that the Stipulation is validly terminated by any Settling Party, then this Final Approval Order shall be rendered null and void to the extent provided by and in accordance with the Stipulation and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Stipulation, and the Settling Parties shall revert to their respective litigation status immediately prior to the execution of the Stipulation.

16. Without further order of the Court, the Settling Parties may agree to reasonable extensions of time to carry out any of the provisions of the Stipulation.

17. The Court directs immediate entry of this Final Approval Order by the Clerk of the Court.

IT IS SO ORDERED.

DATED:

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THE HONORABLE MARK A. KEARNEY  
UNITED STATES DISTRICT JUDGE



12.	May 14, 2018	Paul D. Cox
13.	May 14, 2018	Glenn Carl Hoaglund
14.	May 21, 2018	Norman L. Bond Barbara A. Bond
15.	May 21, 2018	Thomas A. Washall
16.	May 22, 2018	Roman Dufrene
17.	May 22, 2018	Vito J. Celia
18.	May 22, 2018	Yongqiang Li
19.	May 25, 2018	Donald E. Cowan
20.	May 29, 2018	John David Shelburne
21.	May 29, 2018	Richard M. Horner
22.	May 30, 2018	Norswing Family Trust Robert S. Norswing Jr. Victoria Z. Norswing



IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. For purposes of this Order, the terms used herein shall have the same meaning as set forth in the Stipulation. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settling Parties.

2. The Court hereby approves Class Counsel's request for attorneys' fees in the amount of \$ \_\_\_\_\_, which is \_\_\_\_\_% of the Settlement Amount of \$8,000,000 and the amount of \$ \_\_\_\_\_ for reimbursement of costs and expenses incurred by Class Counsel in connection with the prosecution of this Action, which amounts the Court finds are fair and reasonable.

3. The fees and expenses shall be paid to Class Counsel in accordance with the terms of the Stipulation.

4. The Court approves Class Representative Robert Hurwitz's requested Service Award in the amount of \$ \_\_\_\_\_ finding such amount to be fair and reasonable for his efforts on behalf of the Class Members with respect to the litigation of this Action.

IT IS SO ORDERED.

DATED:

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THE HONORABLE MARK A. KEARNEY  
UNITED STATES DISTRICT JUDGE



Persons and entities who are members of the Class and who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all Persons and entities who are members of the Class Members to be heard with respect to the Plan of Allocation.

3. The Court hereby finds and concludes that manner in which the Settlement Fund will be disbursed, as set forth in the Court-approved Notice of Proposed Settlement of Class Action and Settlement Hearing (the "Notice") sent to Class Members, is fair and provides a reasonable basis upon which to allocate the proceeds among Class Members, with due consideration having been given to administrative convenience and necessity.

4. This Court hereby finds and concludes that the Plan of Allocation set forth in the Notice is, in all respects, fair, reasonable, and adequate and the Court hereby approves the Plan of Allocation.

IT IS SO ORDERED.

DATED:

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THE HONORABLE MARK A. KEARNEY  
UNITED STATES DISTRICT JUDGE