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KELLER GROVER LLP

1965 Market Street, San Francisco, CA 94103
Tel. 415.543.1305 | Fax 415.543.7861

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ERIC A. GROVER (SBN 136080)
eagrover@kellergrover.com
ROBERT W. SPENCER (SBN 238491)
rspencer@kellergrover.com
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

SCOT BERNSTEIN (SBN 94915)
swampadero@sbernsteinlaw.com
LAW OFFICES OF SCOT D. BERNSTEIN,
A PROFESSIONAL CORPORATION
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 447-0100
Facsimile: (916) 933-5533

Attorneys for Plaintiff
NATHAN WALTER

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE**

NATHAN WALTER, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

FARFETCH.COM US, LLC; and ~~DOES 1~~
~~through 100, inclusive,~~

Defendants.

30-2020-01139875-CU-BT-CXC

CLASS ACTION

**[PROPOSED] ORDER OF FINAL
APPROVAL AND JUDGMENT**

Date: October 20, 2023
Time: 1:30 p.m.
Courtroom: CX103

Action Filed: April 1, 2020
Trial Date: None

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

NOV 02 2023

DAVID H. YAMASAKI, Clerk of the Court
BY: D. MIRANDA, DEPUTY

1 Plaintiff's Motions for Final Approval of Class Action Settlement and Award of Reasonable
2 Attorneys' Fees and Costs, Class Representative Service Award and Settlement Administration
3 Costs came on for hearing in the above captioned court, the Honorable Lon F. Hurwitz presiding.
4 All parties appeared by counsel of record.

5 Having fully reviewed and considered Plaintiff's motions, the Declarations of Eric A. Grover
6 (ROA 150), Scot D. Bernstein (ROA 146), Scott M. Fenwick of Kroll Settlement Administration
7 LLC ("Kroll") (ROA 160), and Plaintiff Nathan Walter (ROA 152) and the Settlement Agreement
8 and Release between Plaintiff and Defendant Farfetch.com US, LLC (ROA 72, Ex. 1), and the
9 arguments of counsel, and with GOOD CAUSE APPEARING, the Court hereby rules as follows:

- 10 1. The Court has jurisdiction over the subject matter of this action and all parties to this action,
11 including plaintiff Nathan Walter ("Plaintiff" or "Settlement Class Representative"), the
12 Settlement Class Members,¹ as defined in Settlement Agreement and Release ("Settlement
13 Agreement"), and defendant Farfetch.com US, LLC ("Defendant" or "Farfetch").
14 Specifically, the members of the Settlement Class that are subject to this Final Order and
15 Judgment are: All natural persons who, while residing or located in California, placed a call
16 to Defendant's customer service telephone number ((646) 791-3768) at any time during the
17 period from and including April 1, 2019 through August 3, 2020 (the "Class Period") and
18 spoke with a representative and were not notified that the call would be recorded. Excluded
19 from the Settlement Class are all attorneys and employees of Settlement Class Counsel, any
20 judicial officer to whom this case is assigned, and the one Settlement Class Member who
21 validly opt out of the Class Action Settlement.
- 22 2. The Court hereby finds that the notice of settlement, which was provided to Settlement Class
23 Members via U.S. mail, email and a settlement website, as specified in the Settlement
24 Agreement and as ordered by the Court, provided the terms of the settlement, the date of the
25 Final Approval hearing, the manner in which Settlement Class Members could object to or
26

27
28 ¹ Unless otherwise provided in this Final Approval Order and Judgment, all capitalized terms shall
have the same meaning as set forth in the Settlement Agreement and Release.

1 participate in the settlement, and the manner in which Settlement Class Members could opt
2 out of the Settlement Class. The Court finds that it was the best notice practicable under the
3 circumstances, and complied fully with due process, and all other applicable laws. The Court
4 further finds that a full and fair opportunity has been afforded to all Settlement Class
5 Members to participate in the proceedings to determine whether the proposed settlement
6 should be given final approval.

7 3. The Court finds that the settlement is fair, reasonable and adequate in all respects, and is the
8 product of good faith, arm's-length negotiations between the parties, and fully complies with
9 all applicable provisions of law. Accordingly, the Court hereby finally and unconditionally
10 approves the settlement, and specifically:

- 11 a. Approves the \$4,000,000 Gross Settlement Amount as fair, reasonable, and adequate.
12 The Claims Administrator has verified that Defendant has already deposited the
13 \$4,000,000 necessary to fund all cash payments required by the Settlement
14 Agreement and this Final Approval Order and Judgment;
- 15 b. Approves the payment of \$5,000 from the Gross Settlement Amount to the named
16 Plaintiff and Settlement Class Representative Nathan Walter as a service award,
17 which is justified by the time and effort that he expended on behalf of the Settlement
18 Class and the risk he assumed in bringing this action;
- 19 c. Approves the payment from the Cash Settlement Amount to Settlement Class
20 Counsel in the amounts of \$1,333,333 for attorneys' fees and \$16,540.77 for litigation
21 costs. The Court is satisfied that an award of attorneys' fees and litigation costs to
22 Settlement Class Counsel in the total amount of \$1,349,873.77 is reasonable and
23 appropriate under the circumstances of this case; and
- 24 d. Approve the payment from the Cash Settlement Amount to the Claims Administrator
25 in the amount of \$80,000 for administration costs. Settlement Class Counsel shall be
26 responsible for paying the Claims Administrator for any additional and actual
27 administration costs incurred in excess of \$80,000, not to exceed \$6,788.67.
- 28

- 1 4. The Claims Administrator shall make all cash payments and distributions required by this
2 Final Approval Order and Judgment to Authorized Claimants in accordance with the terms
3 of the Settlement Agreement.
- 4 5. This Final Approval Order and Judgment applies to all claims or causes of action settled
5 under the terms of the Settlement Agreement and shall be fully binding with respect to all
6 Settlement Class Members except for the one Settlement Class Member (Sarvenas Hosseini-
7 Dadrass) who timely submitted a request for exclusion. This Final Approval Order and
8 Judgment shall have a *res judicata* effect and bar the named Plaintiff and each Settlement
9 Class Member who did not timely opt-out from bringing any action asserting any of the
10 “Released Claims” as provided in the Settlement Agreement.
- 11 6. The Court sets a final accounting hearing to confirm full administration of the settlement in
12 accordance with the terms of this Final Approval Order and Judgment. The final accounting
13 hearing is set for April 5, 2024 at 1:30 p.m. in Courtroom CX103. Settlement Class Counsel
14 shall submit a final administrator’s report detailing the disbursement of the settlement funds
15 at least 14 calendar days prior to the final accounting hearing. The final report must include
16 all information necessary for the Court to determine the total amount actually paid to
17 Settlement Class Members and any amounts tendered to the cy pres recipient, Consumer
18 Federation of California. If the remaining funds are not fully disbursed by the report
19 deadline, Settlement Class Counsel must request a continuance.
- 20 7. The Court approves the proposed cy pres recipient, Consumer Federation of California.
- 21 8. The Court orders the Claims Administrator to post a copy of this Order and Judgment on
22 the Settlement Website and to include in the correspondence that accompanies the settlement
23 checks notice that this Order and Judgment is available on the Settlement Website.
- 24 9. If the settlement does not become final and effective in accordance with the terms of the
25 Settlement Agreement, this Order and Judgment, and all orders entered in connection
26 herewith, shall be vacated and shall have no further force or effect.
- 27 10. Pursuant to Rule 3.769(h), California Rules of Court, the Court hereby enters Judgment in
28 this action; provided, however, that, without affecting the finality of the settlement or the


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Judgment entered herein, this Court shall retain exclusive and continuing jurisdiction over the Action and the Parties, including all Settlement Class Members, for purposes of enforcing and interpreting this Order and Judgment, the settlement, and the claims process established therein.

IT IS SO ORDERED.
NOV 02 2023
Dated: _____



HON. LON F. HURWITZ
JUDGE OF THE SUPERIOR COURT