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8 **Attorneys for the Plaintiffs and Class**

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 **Jacob Petersen**, *et al.*, individually,
13 and on behalf of all others similarly
14 situated,

15 Plaintiffs,

16 v.

17 **Costco Wholesale Co., Inc.** a
18 Washington corporation doing
19 business in California, **Townsend**
20 **Farms, Inc.**, an Oregon corporation
21 doing business in California, **Fallon**
22 **Trading Co., Inc.**, a Pennsylvania
23 corporation doing business in
24 California, and **United Juice Corp.**, a
25 New Jersey corporation doing business
26 in California,

27 Defendants.

CASE NO. 8:13-cv-01292 DOC (JCGx)

Assigned To: Hon. David O. Carter –
Dept. 9D

**NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS-ACTION
SETTLEMENT**

Motion-Hearing Date and Time:
August 21, 2020 at 8:30 AM

Trial Date: None

28 TO THE DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on August 21, 2020 at 8:30 a.m., or what other
time as the Court subsequently orders, counsel for the above-captioned parties are to be
heard by the Court, where located at 411 West Fourth Street, Santa Ana, California 92701,
in the courtroom of Judge David O. Carter. Accordingly, the Plaintiff, by and through his

1 counsel of record, and the defendants (the “Settling Parties”) will and hereby move the
2 Court to grant this Joint Motion for the Final Approval of Class Action Settlement and
3 Notice of Settlement to Class Members, doing so pursuant to Federal Rule of Civil
4 Procedure 23(e), and requesting that the Court issue final approval of the proposed
5 settlement as being fair, adequate, and reasonable, and the notice of settlement to class
6 members, and plan for notice, as reasonable and sufficient.
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9 This Motion is made following the parties’ agreement on a settlement. After the
10 settlement was reached, a Settlement Agreement—including as Exhibit A in the Appendix
11 to the Memorandum accompanying this filing—was finalized and agreed upon by the
12 Settling Parties.
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14 The Settling Parties submitted to this Court a Motion for Preliminary Approval of
15 a Class Action Settlement, Dkt. 400, which this Court granted on November 27, 2019. Dkt.
16 404. This Court’s order preliminarily approved the class action settlement as fair, adequate,
17 and reasonable, and in the best interests of the class members, including the Lead Plaintiff.
18 It further found the Notice of Settlement to class members and the Notice Plan, as
19 reasonable and sufficient and in accordance with the requirements of Rule 23 of the Federal
20 Rules of Civil Procedure, U.S. Constitution (including Due Process clause), and other
21 applicable laws such that it constituted the best notice practicable under the circumstances.
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24 Pursuant to the court-approved Settlement Agreement, the parties selected a claims
25 administrator to provide notice to the potential class members and to review and evaluate
26 submitted claims. The details regarding the submitted claims, including the total number
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1 of claims approved by the class administrator, is detailed in the Supporting Memorandum
2 filed simultaneously with this Motion.

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4 This Motion is based on the Supporting Memorandum, as well the documents
5 included in its Appendix, the Declaration of Jennifer M. Keough, along with any arguments
6 of counsel that may be made at the hearing.

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8 **RELIEF REQUESTED**

9 The Settling Parties respectfully request that the Court issue an Order of final
10 approval that the settlement as fair, adequate, and reasonable, and to approve that the
11 notice of settlement to class members was reasonable and sufficient. The settlement was
12 reached through years of litigation, arms-length negotiations, and multiple Court-ordered
13 mediations, is supported by both class counsel and the class representative, and the
14 settlement amount is justified due to the significant risk, expense, and complexity imposed
15 by continued litigation. Further, the award to class members, and the stipend to the class
16 representative reflects a fair and reasonable outcome for all parties involved.

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19 The plaintiff also respectfully requests that the Court issue and Order approving that
20 the notice of settlement was reasonable, sufficient, and the best practicable under the
21 circumstances. Notice involved mailed postcards directing class members to a website
22 where an online questionnaire will be used to determine if a claimant meets the
23 requirements of the settlement or, in the alternative, allow a claimant the opportunity to
24 object to the terms of the settlement or to request to be excluded from settlement. In total,
25 the Claims Administrator identified a total of 581 valid, timely claims of which 570 qualified
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1 for Non-Economic Damages only, and 11 which qualified for both Non-Economic
2 Damages and Economic Damages. Thus, the total number of Authorized Claimants—
3 including the 868 Authorized Claimants from the previously-approved California
4 Subclass—amounts to 1,449.
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6 **MOTION**

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8 Now, therefore, the Settling Parties move the Court to issue an Order of final
9 approval of the class-action settlement and of notice of settlement to class members.

10 Dated: July 22, 2020

11 Respectfully submitted,

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13 MARLER CLARK, LLP, PS

14 By: /s/William D. Marler
15 William D. Marler, admitted *pro hac vice*
16 Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July 2020, I electronically transmitted the foregoing document to the U.S. District Court Clerk’s Office using the Court’s CM/ECF System for filing and transmittal of a Notice of Electronic Filing, thereby serving all counsel of record in this matter.

By: /s/ Debbie Stanley