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4 Oakland, CA 94612
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5 Attorneys for Plaintiffs and the Plaintiff Class

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

8
9 ANTHONY ESTRADA, JEFFREY
10 MORGAN and HARVEY ROBERTS,

CASE NO. BC 210130

11 CLASS ACTION

12 Plaintiffs,

13 NOTICE OF ENTRY OF
14 JUDGMENT

15 vs.

16 RPS, Inc.,

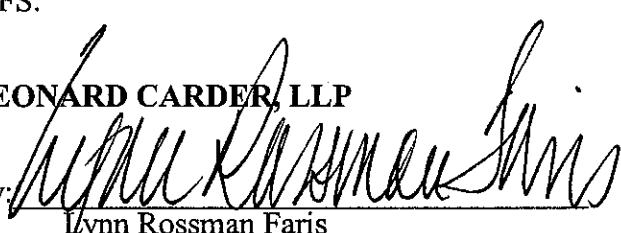
17 Defendant.

18 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that on December 19, 2005, the Court entered into its record the
20 attached FINAL JUDGMENT FOR PLAINTIFFS.

21 Dated: December 21, 2005

22 LEONARD CARDER, LLP

23 By: 

Lynn Rossman Faris

24 Attorneys for Plaintiffs and the Plaintiff Class

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6 (510) 272-0169 (Voice)
7 (510) 272-0174 (Fax)

8 Attorneys for Plaintiffs and Plaintiff Class

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF LOS ANGELES - NORTH VALLEY DISTRICT

11 ANTHONY ESTRADA, JEFFREY MORGAN)
12 and HARVEY ROBERTS,)

13 Plaintiffs,)

14 v.)

15 FED EX GROUND PACKAGE SYSTEM, Inc.,)

16 Defendant.)
17)

Case No. BC 210130

~~PROPOSED~~ FINAL JUDGMENT
FOR PLAINTIFFS

18 After full litigation of this case, including a nine-week bench trial from 4/16/04 through
19 6/30/04 before Hon. Howard J. Schwab, resulting in this Court's Statement of Decision of
20 7/26/04, and a court-ordered accounting conducted by Hon. William J. Cahill (Ret.) in
21 accordance with this Court's 10/13/04 reference order with final Recommendations of May 9,
22 2005 and October 7, 2005, which were adopted and signed by this Court on 11/21/05, and based
23 in addition on this Court's statements of decision and related orders of 9/8/04, 6/14/05, 10/7/05,
24 11/21/05, 11/28/05 and the class certification order of 8/2/01, the Court hereby grants judgment
25 to the Plaintiffs and the plaintiff class and against Defendant FedEx Ground Package Systems,
26 Inc. and its predecessor Roadway Package Systems, Inc., as follows:
27

28 FINAL JUDGMENT

Estrada v. FedEx Ground Package Systems, Inc. BC 210130

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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles County Superior Court
DEC 19 2005
By John A. Clarke, Executive Officer/Clerk
Deputy

1. As to the First and Sixth Causes of Action of the First Amended Complaint filed 6/1/2000 (hereinafter FAC), pursuant to California Labor Code Section 2802, and adopting the final report and recommendations resulting from the Accounting performed by the court-appointed Referee pursuant to this Court's Order of 11/21/05, Plaintiffs Anthony Estrada and Jeffrey Morgan and class members named below are entitled to damages pursuant to this Court's order of 9/8/04 determining compensable expenses, for the period 5/11/96 to 12/31/04, including pre-judgment interest through 12/13/05, as follows:

Plaintiff Anthony Estrada: \$36,245.20

Plaintiff Jeffrey Morgan: \$47,567.21

Class Members for periods of their class membership:

Last Name	First Name	Total
Abarca	Agustin	\$32,830.92
Acosta	Garibaldi	\$1,287.18
Ahmadullah	Zemaryalai	\$14,251.77
Ali	Irshad	\$53,430.23
Andrade	Samuel	\$46,636.52
Arceneaux	Lonnie D.	\$27,901.11
Azevedo	Anthony R.	\$98,905.60
Bailey	Brad R.	\$7,189.48
Bailey	John	\$11,495.73
Ballock	Timothy	\$11,630.69
Barber	Jacob	\$512.39
Baros	Edward	\$40,625.75
Barreto	Ruben	\$50,851.67
Belden	Kenneth M.	\$59,957.28
Bennett	Rodger	\$7,593.88
Bevis	Mark	\$11,419.79
Blankenship	Christian	\$529.76
Boggs	William E.	\$56,404.60
Bowen	Steve	\$9,893.65
Brinkley	Russell S.	\$85,916.37
Brunner	Maurice	\$17,737.18
Buksh	Shameer	\$8,760.36
Burdsall	Michael	\$4,065.70
Cabrera	Jose	\$33,811.47
Caldeira III	Jules J.	\$47,341.28
Camacho	Duane	\$34,428.20

Campos	Tercio	\$2,322.70
Canipe	Robert	\$44,323.29
Cannon	Eric N.	\$26,243.56
Cantley	Harold B.	\$39,686.13
Cantu	Arturo	\$5,863.01
Caprini	Daniel	\$7,186.84
Castillo	Peter A.	\$50,497.06
Chandra	Reginald	\$15,895.16
Chandra	Ronald	\$1,732.15
Cho	Young Soo	\$24,521.74
Clere	Charles David	\$20,729.38
Contreras	Francisco	\$96.43
Cooper	David L.	\$73,254.76
Cornejo	Ted	\$9,684.25
Crawford	Bobby	\$7,754.22
Cummings	Carl	\$6,796.03
Curry	Ron	\$21,850.89
Dawe	Scott	\$26,330.69
Dawson	Erwin	\$21,364.33
de Castro	Abelmar M.	\$40,659.47
De Oliveria	Ricardo B.	\$18,506.29
de Waal	Daniel C.	\$23,086.10
Din	Faiyazud	\$29,647.48
Dozier	Steve	\$92,324.67
Duafala	David	\$416.32
Dugan	Patrick	\$24,125.30
Eder	Brian D.	\$34,437.82
Enriquez Jr.	Manuel	\$29,283.54
Faer	Michael L.	\$14,541.07
Falda	Richard M.	\$75,387.16
Farinazo	Rodrigo	\$18,019.88
Figueroa	Israel	\$7,256.44
Flores	Antonio J.	\$29,242.13
Flores Jr.	Frank F.	\$4,847.14
Fowler	Joseph	\$4,530.23
Frybarger	Neal	\$54,490.76
Gaerlan	Alexander D.	\$26,848.80
Garner	Troy N.	\$9,246.10
Giardina	Alan H.	\$5,194.92
Gilchrist	Winston	\$5,784.23
Gillespie	Shaun	\$19,336.70
Gonzalez	Quino	\$35,688.94
Gourson	James	\$12,251.43
Green	Steve	\$22,437.09
Harris	Robert A.	\$38,650.72
Hart	Kippy Read	\$18,240.60
Hart	John T.	\$0.00
Hayes	Mark	\$8,800.17

Henderson	Don C.	\$3,991.20
Hernandez	Frank	\$2,752.29
Hoopes	Doug	\$26,518.48
Howard	Charles R.	\$3,996.32
Hugenroth	Joseph	\$13,955.88
Hulsey	Thomas J.	\$19,576.77
Ismailzada	Ali M.	\$512.02
Issa	Kamil	\$29,275.50
Jackson	David	\$5,573.17
Jackson	Darrel A.	\$9,522.51
Jacobs	Brian	\$21,855.62
Johnson	Owen G.	\$10,363.64
Johnson	Michael Scott	\$1,538.86
Jones	David	\$28,022.55
Kaiser	Nigel	\$2,072.35
Kammerer	Bret	\$32,887.21
Keim	Terry	\$55,218.83
Keister	Donald Lee	\$20,302.71
Kemp	Thomas O.	\$5,447.23
Khalik	Mahrum-Abdul	\$24,142.20
Khan	Tabrez	\$27,445.20
Kilgore	Randall Perry	\$13,778.06
Kirkwood	John	\$12,696.16
Kline	James A.	\$22,504.73
Krause	James John	\$64,312.67
Laborde	John	\$81,978.95
Lacy	Justin J R	\$5,017.82
Lancaster	Jesse	\$41,496.04
Lee	William	\$59,176.92
Leopold	Fritz	\$30,999.11
Lewis	William	\$38,295.71
Li	Chung P.	\$37,492.69
Loomis	Ben A.	\$18,708.91
MacDonald	Rod	\$15,630.58
MacKenzie	Scot A.	\$37,150.16
Marcellino	John A.	\$72,891.25
Marshall	Steven M.	\$44,359.90
Mason	Roy	\$37,274.21
Massey	William M.	\$45,381.07
Mavrinac	Gerald W.	\$11,656.37
Mayhugh	Chad	\$4,223.00
McCaskey	David	22,131.27
McGraw	Mike	\$49,641.31
McMillan	George Bryce	\$966.53
Mercado	Jose Ruben	\$22,702.01
Miller	Scott K.	\$29,824.69
Morales	Miguel	\$43,440.80
Murdock Jr.	Clarence	\$5,591.84

Murphy Jr.	Paul Eddie	\$39,652.33
Murray	Kalecki D.	\$13,090.26
Musser	Christopher L.	\$95,188.74
Mustafa	Bilal	\$35,671.06
Nascimento	Joaquim Jose	\$15,806.64
Neilson	Robert Harry	\$40,262.51
Nestlerode	Paul	\$8,022.43
Niewohner	Christon	\$64,249.21
Oliva Jr.	Thomas	\$40,097.34
Oliver	Mark Robert	\$53,692.60
Otell	Dan	\$6,239.92
Padilla	Richard	\$22,570.79
Paiva	Andre G.	\$14,004.89
Patton	Mark	\$35,293.24
Personius	Bob	\$39,212.38
Pew	Terry	\$25,322.25
Pierce	Stephen	8,261/03
Plourde	Vincent	\$28,768.58
Ponce	Heriberto	\$1,514.37
Pontarolo	Marjorie	\$35,256.74
Pratt	Richard D.	\$42,115.92
Pratt	Steven	\$38,889.71
Primo	Nelson	\$27,590.90
Raudman	Chris	\$15,110.66
Real	Dino J.	\$35,837.00
Repiedad	Gerald	\$64,732.73
Rizkallah	Edgar	\$12,553.98
Robinson	Guy M.	\$25,457.29
Rodriguez	Luis A.	\$1,166.87
Rodriguez	Augustin E.	\$60,734.69
Rodriguez	Dionicio	\$216.24
Romine *	Jayson	\$9,267.30
Ruff	Robert L.	\$21,981.10
Rust	Rodney	\$42,038.01
Rutherford	Gary	\$517.34
Ryall	Joseph	\$6,812.66
Said	Rahmatullah	\$65,290.67
Sanchez	Mario Navarro	\$25,449.72
Sanchez (Jose)	Jose Martin	\$2,306.69
Santos	Hamilton	\$56,500.10
Schaffer	Stephen L.	\$4,357.32
Scheu	Tom	\$4,216.93
Segura	Felix	\$48,119.03
Siapno	Rodrigo D.	\$22,987.76
Simms	Larry W.	\$48,824.89
Smith	Michael	\$18,114.04
Smith	Ron	\$50,051.05
Smith	Donald Wayne	\$18,775.21

Smith	Randy Warren	\$7,867.45
Smith	Marques	\$24,893.95
Solano	Jaime	\$28,214.70
Son	Sydney M.	\$34,612.18
Soto	Elias E.	\$44,000.26
Sperling	John A.	\$14,324.66
Takeuchi	Chet	\$54,633.95
Theofanopoulos	Peter	\$20,691.42
Thurmond	Richard	\$15,804.10
Umali	Ramon	\$48,756.79
Underwood	Craig	\$26,234.62
Upson	James E.	\$35,465.62
Valenzuela	Adrian	\$9,907.21
Valeriano	Ibarra B.	\$15,552.72
Van Der Sluis	Steven A.	\$7,446.06
Vasquez	Javier A.	\$39,684.13
Veitl	George	\$3,417.00
Vela	John A.	\$3,841.27
Victoria	Manuel M.	\$18,893.83
Vieira	Nazareno	\$27,392.34
Villanueva	Don C.	\$40,739.81
Vopat	Tobey	\$14,643.46
Walker	William E.	\$24,770.37
Walters	David J.	\$94,376.62
White	Franklin D.	\$19,508.13
Wilcox	Benjamin Alan	\$14,234.17
Wilkins	Kelvin E.	\$14,184.62
Williams	Michael Jerome	\$28,908.60
Wright	James W.	\$1,129.02
Zoaby	Hisham	\$30,259.34

In addition, in accordance with the Court's order of 11/21/05, as to the First Cause of Action, Larry Cass, David Estep, Christopher Robinson, John Russell, and Jose Valle are dismissed.

2. As to the Second, Third and Fourth Causes of Action of the FAC, the Court grants judgment to the Plaintiffs and specifically pursuant to California Business & Professions Code Section 17203 and this Court's Order and Statement of Decision of 10/7/05, the Court permanently enjoins Defendant, effective April 5, 2006, as follows:

FedEx Ground Package Systems, Inc., its officers, agents, servants, employees, representatives, and all persons acting in concert with or participating with them, are permanently enjoined and restrained from engaging in or performing, directly or indirectly, any and all of the following acts:

1. Mis-classifying Plaintiffs Anthony Estrada and Jeffrey Morgan and all California single work area pick-up and delivery drivers (hereinafter SWAs) as independent contractors or entering into, participating in, or carrying out, any agreement to mis-classify SWAs as independent contractors, so long as FEG retains the employment model or substantially similar employment model as described in the July 26, 2004 Statement of Decision of the Court.

2. Violating or attempting to violate any provision of the California Labor Code, the Industrial Welfare Commission Orders, or other state laws and regulations protecting SWAs as Defendant's employees or otherwise depriving SWAs of the benefits of laws enacted for the protection and/or advancement of the interests of employees, so long as FEG retains the employment model or substantially similar employment model as described in the July 26, 2004 Statement of Decision of the Court.

3. This Permanent Injunction shall take effect within 180 days of its being signed by the court [October 7, 2005]. The Permanent Injunction shall initially be provided to all current SWAs with the first pay check after the Permanent Injunction becomes effective and shall also be posted on driver information bulletin boards in each terminal in California from the day it goes into effect for five years.

The Court denies reimbursement except to only those named plaintiffs and SWAs relative to the limits of the already ordered accounting. The Court thus denies restitution from 5/11/95 to 5/10/96 and limits the named Plaintiffs' restitutionary remedy to those expenses found to be compensable under California Labor Code Section 2802, as determined by the Court in its 9/8/04 order.

In addition, in accordance with this Court's order of 11/28/05, the above paragraphs 1 and 2 are determined to be prohibitory and Defendant's request to stay the effect of paragraphs 1 and 2 is denied as any further stay of these orders would frustrate the purpose of the litigation and in effect nullify the orders of the Court. The above Paragraph 3 is determined to be mandatory, automatically stayed by the filing of a notice of appeal by Defendant.

3. As to the Fifth Cause of Action, and pursuant to California Code of Civil Procedure Section 1060 and this Court's Order and Statement of Decision of 10/7/05, the Court grants declaratory judgment to the Plaintiffs as follows:

Plaintiffs Anthony Estrada and Jeffrey Morgan and all California single work area

1 pick-up and delivery drivers (hereinafter SWAs) who at any time since May 11, 1996
2 worked or currently work or in the future are employed to work under the Defendant's
3 "Pick-up and Delivery Contractor Operating Agreement" are hereby declared to be the
4 Defendant's employees and not independent contractors as long as the employment
5 model is the same or substantially similar to that as described in the July 26, 2004
6 Statement of Decision of the Court.

7 Defendant FedEx Ground Package Systems, Inc. and its predecessor Roadway
8 Package Systems, Inc., its officers, agents, servants, employees, representatives, and all
9 persons acting in concert or participating with them (hereinafter FEG), improperly
10 classified SWAs as independent contractors in violation of California law as described in
11 the July 26, 2004 Statement of Decision of the Court.

12 SWAs are entitled to the protections of California labor protective laws applicable
13 to employees and FEG has a duty to accord such rights to the SWA employees as long as
14 the employment model is the same or substantially similar to that as described in the July
15 26, 2004 Statement of Decision of the Court.

16 4. As to all causes of action, in accordance with the 7/26/04 Statement of Decision, the
17 Court dismisses Plaintiff Harvey Roberts.

18 5. As to all causes of action, in accordance with the Court's order of July 10, 2003, the
19 Court never acquired jurisdiction and thus deletes the following names of putative class members
20 from the class list without prejudice as follows:

- 21 1. Allen, Perry
- 22 2. Alvarez, Kenny
- 23 3. An, Bum
- 24 4. Arguello, Jorge
- 25 5. Bagshaw, Jay
- 26 6. Benner, Phillip A.
- 27 7. Berglund, Dave
- 28 8. Bonilla, Alberto
9. Boyd, Bill
10. Breakey, Shawn M.
11. Brenneise, Jeff
12. Caldwell, David
13. Campos, Alejandro
14. Carroll, Daniel Lee
15. Ceballos, Azael
16. Correll, Christopher L.
17. Costa Jr., Sirle F.

- 1 18. Costa, Alisson
- 2 19. Da Maia, Ocimar F.
20. Da Silva, Jedais
- 3 21. Da Silva, Rubens T.
22. Da Silva, Waldir
- 4 23. De Paula, Joelci
24. Dias, Alexei S.
- 5 25. Duran, Jorge
- 6 26. Ferreira, Robert
27. Franco, Renato Nery
- 7 28. Furtado, Eduardo
29. Garcia, Oscar
- 8 30. Giffoni, Anibal
31. Giron, Pete E.
- 9 32. Goncalves, Diofanto
- 10 33. Gonzalez, Issacc
34. Greene, Ruben
- 11 35. Hammock, Deric
- 12 36. Harmon, Ron
37. Hayes, Gene
- 13 38. Hazward, Joseph
39. Hernandez, Carlos A.
- 14 40. Hernandez, Raymond
41. Hernandez, Rogelio
- 15 42. Herrera, Adam
- 16 43. Houser, Charles
44. Johnston, Bob
- 17 45. Juarez, Samuel
46. Judy, David Wayne
- 18 47. Kearney, Jason David
- 19 48. Kloth, Mitchell W.
49. Leal, Diane L.
- 20 50. Lopes Jr., Jose
- 21 51. Lundquist, Christian
52. Mora, Weber Silva
- 22 53. Munoz, Jaime J.
54. Nelson, Cephus E.
- 23 55. Oliveira, Luis C. Jesus
56. Ornelas, Eduardo
- 24 57. Ortiz, Pablo P.
- 25 58. Ouraga, Thomas B.
59. Ourn, Peter P.
- 26 60. Ownings, Bobby
- 27 61. Peoples, James

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FINAL JUDGMENT

Estrada v. FedEx Ground Package Systems, Inc. BC 210130

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1 62. Pimentel, Adair
2 63. Porras, Geovanni
3 64. Quinn, Patrick
4 65. Rangel, Robson S.
5 66. Rath, Phin
6 67. Reyes, Daniel
7 68. Rola, Rafael
8 69. Roles, Rickey Lee
9 70. Rouiller, Steve
10 71. Saldate, Steve
11 72. Sanders, Anthony L.
12 73. Scallen, Tim
13 74. Schmidt, Russell
14 75. Silva, Edson M.
15 76. Skinner, Diane A.
16 77. Sobral, Jose
17 78. Sotello, Dennis
18 79. Tarantino Jr., Frankie A.
19 80. Tatum, George E.
20 81. Tuioti, Eveni F.
21 82. Turnipseed, Ricky D.
22 83. Valdovinos, Gilberto V.
23 84. Valdson, Silva
24 85. Villalobos, Dennis
25 86. Williams, Andrew

17 6. As to all causes of action, in accordance with the Court's order of 7/10/03, the Court
18 dismisses the following putative class members without prejudice:
19

20 1. Adili, Utche B.
21 2. Aguilar, Raul
22 3. Albregard, Jr. Trucking
23 4. Antoine, Shawn Sheldon
24 5. Araiza, Joel
25 6. Aranda, Abel L.
26 7. Ardon, Oscar
27 8. Auilar, Jose Alcides
28 9. Awwad, Ghassan A.
10 10. Baez, Rudy
11 11. Baeza, Oscar
12 12. Baker, Nile W.

- 1 13. Barnes, Maurice
- 2 14. Bernades, Marcondes D.
- 3 15. Brown, Jeffrey G.
- 4 16. Buchmueller, Kevin E.
- 5 17. Bushey, Mike
- 6 18. Calderon, Jamie
- 7 19. Calderon, Jorge
- 8 20. Camacho, John T.
- 9 21. Camacho, Juan A.
- 10 22. Carbajal, Pioquinto
- 11 23. Cardenas, Eduardo A.
- 12 24. Carlos, David
- 13 25. Carnegie, Ronnie L.
- 14 26. Carranza, Hever
- 15 27. Carrasco, Pete
- 16 28. Carrasco, Robert
- 17 29. Carreon, Amando
- 18 30. Carrera, Agustin
- 19 31. Carrera, Venancio
- 20 32. Castillo, Carlos
- 21 33. Castro, Greg A.
- 22 34. Castro, Iban
- 23 35. Chacon, George
- 24 36. Chapman, John
- 25 37. Childress, James Christopher
- 26 38. Chilin, Jose
- 27 39. Correa, Manuel
40. Costa, Joe M.
41. Da Silva, Joubert
42. Da Silva, William
43. Da Silveiria, Marlucio G.
44. De Barros, Valteir
45. De Leon, Nomer M.
46. De Souza, Jamie
47. Deabreu, Marcio
48. Dell'Acqua, Thomas C.
49. Deus, Manolito
50. Diep, Tam Hung
51. Dong, Allen
52. Eman, Francisco
53. Enriquez, Elmer Santos
54. Ertel, Kenneth G.
55. Estrada, Jose A.
56. Farias, Ramon A.

28 FINAL JUDGMENT

Estrada v. FedEx Ground Package Systems, Inc. BC 210130



- 1 57. Ferreira, Alex
- 2 58. Ferreira, Maxwell
59. Ferreira, Samuelson
- 3 60. Filho, Declieux M.
61. Florero-Ferrel, Raul
- 4 62. Flores, Steve A.
63. Flores, William
- 5 64. Fonseca Corona, Alejandro
- 6 65. Froman, Grant L.
66. Fry, Joel R.
- 7 67. Fry, Ray S.
68. Garcia, Fermin
- 8 69. Garcia, Joel
- 9 70. Garvin, Michael D.
71. Garza, Sergio
- 10 72. Gibson, Ricardo
73. Gomez, Luis
- 11 74. Gonzalez, Luiz C.
- 12 75. Goodwin, Hillary
76. Granados, Ty Preston
- 13 77. Guillen, Luis A.
78. Guzman, Roman
- 14 79. Hagar, Danny K.
- 15 80. Hall, Larry
81. Hansel, Steve
- 16 82. Harper, Henry
83. Heller, Dave
- 17 84. Hemsley, David
- 18 85. Hernandez, Lino
86. Hillard, Bryan L.
- 19 87. Hogate, Rodney
88. Holler, III, David J.
- 20 89. Huizar, Gabriel
- 21 90. Irby, Jimmy D.
91. Issaian, Gilbert
- 22 92. Ivanhinchin, Jurandir
93. James, Mitch
- 23 94. Jensen, John
95. Jones, Jr., Van Donald
- 24 96. Jose, Florentino P.
- 25 97. Kersten, Steven R.
98. Khosrouabadi, William
- 26 99. Kramer, William S.
- 27 100. Krikava, Jeff

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FINAL JUDGMENT

Estrada v. FedEx Ground Package Systems, Inc. BC 210130

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- 1 101. Lam, Keit Quang
- 2 102. Le, Steve Tung
103. Leeman, Edward J.
- 3 104. Lefrere, Rene
105. Lewis, Michael T.
- 4 106. Lindholm, Michael
107. Lindholm, Rodney
- 5 108. Lopes, Joao T.
- 6 109. Lopes, Paulo
110. Lopes, Venor Elias
- 7 111. Lopez, Carlos V.
112. Lopez, Gerardo
- 8 113. Lopez, Guillermo
114. Lopez, Jose L.
- 9 115. Lopez, Oscar L.
- 10 116. Lozano, Miguel A.
- 11 117. Lucero, Gilbert
118. Luna, Gustavo
- 12 119. Macagba, Melchor
120. Machado, Francisco
- 13 121. Malasig, Simeon S.
122. Mar, Andy M.
- 14 123. Mara, Larry J.
- 15 124. Marcello, Rodolfo
125. Mares, Dino
- 16 126. Marquez, Esteban L.
127. Marquez, Rebecca L.
- 17 128. Marslin, Renaldo-
- 18 129. Martin, Luis
130. Martin, Sheldon
- 19 131. Martinez, David
132. Martins, Fabio
- 20 133. Mayer, John F.
- 21 134. Mendes, Hiram
135. Mitchell, Julius Anthony-
- 22 136. Moncada, Oscar E.
137. Munoz, Andrew
- 23 138. Navarro, Robert
139. Nelson, Daniel
- 24 140. Newman, Troy L.
- 25 141. Nicholson, James A.
142. Ochoa, Juan M.
- 26 143. Ochoa, Luis M.
- 27 144. Olmos, Sandy J.-



- 1 145. Orellana, Juan
- 2 146. Ornelas, Robert
147. Ortega, Jorge
- 3 148. Oskoui, Saeed
149. Owen, John
- 4 150. Paderes, Ronald S.
151. Paiva, Rich
- 5 152. Palato, Eddie
153. Palombo, Josueli J.
- 6 154. Pamplona, Marlon F.-
155. Pedrazzi, Jeremiah
- 7 156. Perez, Carlos
157. Perez, Emanuel P.
- 8 158. Perez, Jaime-
159. Perez, Toby M.
- 9 160. Personius, Steven R.
- 10 161. Polissky, Oleg
- 11 162. Ponce, Miguel
- 12 163. Porto, Erlan C.
164. Quintanilla, Roberto
- 13 165. Rahmati, Hamid
166. Ramos, Michael
- 14 167. Randel, David B.
- 15 168. Rasmussen, Robert
169. Reece, John D.
- 16 170. Reis, John C.
171. Renderos, Ronnie
- 17 172. Reyes, Manuel
173. Roach, Lee
- 18 174. Robinson, Wallace Scott
175. Robleto, Roberto
- 19 176. Rodriguez, Carlos
177. Rodriguez, Edward
- 20 178. Rojas, Aldo
179. Rood, Douglas D.
- 21 180. Rosado, Anthony
181. Rubio, Alan E.
- 22 182. Ruiz, Ernesto
183. Ruiz, Henry
- 23 184. Saeed, Oskoui
185. Saldana, Daniel
- 24 186. Saldano, Luis
187. Sanchez, Javier A.
- 25 188. Sanchez, Jose K.
- 26
- 27

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FINAL JUDGMENT

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- 1 189. Sanchez, Manuel A.
- 2 190. Sandoval, Salvador
191. Sands, Christopher
- 3 192. Santiago, Jason E.
193. Sarmiento, Sonny
- 4 194. Sarwan, Harmit S.
195. Schmitz, Kevin D.
- 5 196. Scott, Ali
- 6 197. Sedillos, David Joseph
198. Sembhi, Dalvir
- 7 199. Sepanian, Seroj
200. Sheban, James
- 8 201. Silva, Alfonso Arroyo
202. Silva, John Carl
- 9 203. Silva, Paul R.
- 10 204. Silva, Washington
- 11 205. Simmons, William
206. Slick, David
- 12 207. Slyker, Scott
208. Smith, Margaret Elizabeth
- 13 209. Soch, Phak-Tra
210. Sosa, Angelo Dante Tonini
- 14 211. Springer, Matthew
- 15 212. Stirewalt, Jr., Clyde M.
213. Stone, Keith
- 16 214. Taing, Pheng
215. Tatpaporn, Boonthong
- 17 216. Tell, Caprice S.
- 18 217. Thomas, Grant
218. Thomas, Kevin
- 19 219. Thompson, Kenneth G.
220. Tobias, Carlos E.
- 20 221. Torossian, Nejdik
222. Torres, Edgar
- 21 223. Tran, Peter
- 22 224. Valdivieso, Frank
225. Vega, Martin
- 23 226. Vela, Rafael Ricardo
227. Velasquez, Raymond
- 24 228. Venegas, Abel
229. Venzor, Carlos C.
- 25 230. Walker, Carlton
- 26 231. Walker, Theodore D.
- 27 232. Ward, Delanious

- 1 233. Wardak, Hewad
- 2 234. Wightman, Steve
235. Williams, Trent P.
- 3 236. Willis, Terry
237. Wong, Welford
- 4 238. Young, Stanley M.
- 5 239. Zadoorian, Seroj

6 7. As to all causes of action, in accordance with the Court's orders of 7/10/03, 10/17/03,
7 12/04/03, and 1/27/04, the Court dismisses the following putative class members with prejudice:

- 9 1. Abeyta, Jason
2. Acevedo, Saul
- 10 3. Acmoody, Angela L.
- 11 4. Afonso, Lincoln M.
5. Alcantra, Alexandre
- 12 6. Alexandrino, Waldemur
7. Ali, Alyub
- 13 8. Amos, Sterling
9. Arrazola, Martin
- 14 10. Arrendondo Jr., Sergio
- 15 11. Aviles, Rufo
12. Ayala, George Louis
- 16 13. Ban, Theng Sean
14. Besha, Rojen
- 17 15. Billerbeck, John K
16. Billings, Carl
- 18 17. Black, Richard
18. Blocher, Keith
- 19 19. Bloom, Barry J.
- 20 20. Bonitian, Artoush
- 21 21. Bozarth, David
22. Brasileiro, Cleber F.
- 22 23. Brothers, Don
24. Burke, James
- 23 25. Burns, Robert G.
26. Byrd, Josh
- 24 27. Cabrera, Rogelio
- 25 28. Cadle, Thomas
29. Camacho, Alfonso
- 26 30. Camberos, Ricardo
- 27 31. Carnes, Russell

- 1 32. Carson, Kenneth R.
- 2 33. Castro, Gustavo
- 3 34. Cepeda, Robert
- 4 35. Chamberlain, Michael
- 5 36. Chan, Tim
- 6 37. Christensen, Mark C.
- 7 38. Christlieb, John
- 8 39. Claire, Pavitar
- 9 40. Clark, Shane
- 10 41. Cole, Joseph M.
- 11 42. Cook, Christian B.
- 12 43. Cordero, Jr., Moses
- 13 44. Corona, Juan Carlos
- 14 45. Coronado, Ruben
- 15 46. Coronel, Martin
- 16 47. Cox, Steven
- 17 48. Cutchon, Manuel
- 18 49. Da Silva, Carlos A.
- 19 50. Da Silva, Godemar
- 20 51. Delgado, Juan M.
- 21 52. De Lima, Eber Mendes
- 22 53. deMilo, Sidney
- 23 54. De Sousa, Marcelo
- 24 55. Debernadi, Michael R.
- 25 56. Domingo, George
- 26 57. Emm, Chris
- 27 58. Esteva, Joab
- 28 59. Evans Sr., Charles E.
60. Fambro, Larry
61. Fast, Ari
62. Flores, Juan
63. Foster, Douglas
64. Garcia, Andres
65. Garcia, Michael A.
66. Garl, Dennis
67. Garza, Jorge I.
68. Gaumer, David
69. Gomez Jr., Arturo
70. Gomez, Hector
71. Hague, Michael
72. Handy, Greg
73. Hanson, James M.
74. Haussler, Stephen K.
75. Henderson, Robert



- 1 76. Henriquez, Jose
- 2 77. Hernandez, Valentin
- 3 78. Hoppock, Tyree J.
- 4 79. Hosfield, Paul L.
- 5 80. Howard, Rufas
- 6 81. Janssen, Jeffrey D.
- 7 82. Javier, Richard A.
- 8 83. Jensen, Kurt
- 9 84. Johnson, Johnny Del
- 10 85. Joslin, Nels R.
- 11 86. Joyce, Thomas J.
- 12 87. Kiewast, Randy
- 13 88. Klimenko, Paul
- 14 89. Knight, Robert
- 15 90. Lanz, Rudy H.
- 16 91. Love, John W.
- 17 92. Lujan, Steven Curtis
- 18 93. Luna, Jesus
- 19 94. Macias, Joe
- 20 95. Maciel, Jesus
- 21 96. Martinez, Fermin
- 22 97. Martinez, Gonzalo
- 23 98. Massengale, Scott
- 24 99. Matamoros, Wilfredo
- 25 100. McCorkle, Shaun
- 26 101. Merten, Jim
- 27 102. Meyer, Christopher
103. Miller, Kirk A.
104. Misterly IV, John
105. Mitchell Jr., Herman
106. Mora, Eduardo
107. Morse, Donald M.
108. Mulholland, Thomas
109. Munoz, Victor H.
110. Murray, Daniel P.
111. Navarro, Luis
112. Nelson, Bill
113. Nguyen, Vincent
114. Nishi, Edward
115. Noble, Scott
116. Noyes, Robert
117. Ochoa, Daniel
118. Ortiz, Luis
119. Oschbach, Charles

- 1 120. Paculba, Wynn
- 2 121. Padilla, Jose
- 3 122. Palomera, Sergio
- 4 123. Panajon, Wilfredo
- 5 124. Pereira, Lourival
- 6 125. Perkins, Andrew W.
- 7 126. Peters, Robert G.
- 8 127. Peterson, Daniel
- 9 128. Pitta, Joe
- 10 129. Plute, Albert John
- 11 130. Pontious, Barry F.
- 12 131. Pruitt, James
- 13 132. Reeser, Wade Joseph
- 14 133. Rose, Eric S.
- 15 134. Rowitz, Craig
- 16 135. Rubio, Daniel
- 17 136. Ruiz, Mark
- 18 137. Ruvalcaba, Antonio
- 19 138. Sainten, Michael
- 20 139. Sam, Sohpal P.
- 21 140. Sanchez, Holgar
- 22 141. Sandoval, Rodolfo
- 23 142. Santos, Joao Deraldo
- 24 143. Scheetz, David
- 25 144. Sharma, Rajnesh
- 26 145. Sharma, Shalendra Deo
- 27 146. Singh, Jagidish
147. Skarsten, Wayne R.
148. Slaton, Conte
149. Soares, Leandro
150. Soto, Oscar F.
151. Stanford, Russell.
152. Suri, Rajinder S.
153. Teran, David
154. Trent, James
155. Truillo, Richard
156. Truitt, James
157. Valderrama, Danny
158. Virtusio, Dominic
159. Wadley, Jeffrey
160. Ware, Stephen
161. Wiley, Dean
162. Williams, Gary
163. Wolaver, Tom



164. Workman, Michael
165. Yates, Lauri
166. Young, Lannis
167. Yracheta, Adrian
168. Zoellick, John

8. Pursuant to the First, Second, Third and Fourth Causes of Action, and in accordance with the Court's order of 11/28/05, pursuant to California Labor Code Section 2802 and California Code of Civil Procedure Section 1021.5, the Court awards attorneys' fees and costs to Plaintiffs and the SWAs in the amount of \$12,373,875.00, representing reasonable attorney fees of \$5,567,246.70 and out-of-pocket expenses of \$619,691.10 for a total lodestar amount of \$6,186,937.80, with an award of a multiplier of 2.0. Pre-judgment interest on this amount is denied.

9. As prevailing parties, Plaintiffs are entitled to court costs under California Code of Civil Procedure Section 1032 and in accordance with the Court's order of 11/28/05, and having considered and granted in part Defendant's motion to tax costs, the Court awards Plaintiffs' court costs in the amount of \$35,173.38. Pre-judgment interest on this amount is denied.

Dated: 12/19/05


Hon. Howard J. Schwab
Judge of Superior Court

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in Alameda County. I am over the
3 age of eighteen (18) years and not a party to the within action. My business address is 1330
4 Broadway, Suite 1450, Oakland, CA 94612. I served the following document(s):

5 **NOTICE OF ENTRY OF JUDGMENT**

6 by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or
7 manners described below to each of the parties herein and addressed as below or stated on the
8 attached service list:

9 James M. Nelson
10 Mark Graski
11 Seyfarth Shaw
12 400 Capitol Mall, Suite 2350
13 Sacramento, CA 95814
14 Telephone: (916) 448-0159
15 Facsimile: (916) 558-4839
16 Email: jnelson@seyfarth.com

Robert Schwartz
O'Melveny & Myers LLP
1999 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067-6035
Telephone: (310) 246-6835
Facsimile: (310) 246-6779
Email: rschwartz@omm.com

12 Chris A. Hollinger
13 **O'Melveny & Myers LLP**
14 275 Battery Street, Suite 2660
15 San Francisco, CA 94111-3305
16 Email: chollinger@omm.com

16 ☒ **BY REGULAR MAIL:** I caused such envelope to be deposited in the mail at my
17 business address, addressed to the addressee(s) designated. I am readily familiar with
18 LEONARD, CARDER's practice for collection and processing of correspondence and
19 pleadings for mailing. It is deposited with the United States Postal Services on that same
20 day in the ordinary course of business.

20 ☒ **BY ELECTRONIC MAIL:** I caused said document(s) to be transmitted to the email
21 address(es) of the addressee(s) designated.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed at Oakland, California, on December 28, 2005.

25 
26 Lorelei Badar
27
28