

**THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

TAMARA WEST, ADRIENNE FLOWERS, MICHELE  
DINKINS, JUDY ROLAND, ANN-MARIE GRZOVIC  
and JANET LARSEN, individually and on behalf of other  
similarly situated persons,

Plaintiffs,

v.

FIRST FRANKLIN FINANCIAL CORPORATION,

Defendant.

Case No. 06-2064-KHV/JPO

**ORDER APPROVING RULE 23 CLASS ACTION SETTLEMENT AND ATTORNEYS  
FEES AND INCENTIVE AWARD**

Plaintiffs, on behalf of themselves and a class of Loan Account Managers employed by First Franklin in California from February 23, 2003 until April 1, 2007, entered into a Settlement Agreement to fully and finally resolve Plaintiffs' claims against Defendant First Franklin. On July 31, 2007 the Court entered an Order preliminarily approving the settlement with First Franklin, certifying a settlement class, and authorizing the dissemination of notice. (Doc. 52). Plaintiffs' counsel provided notice to the class on August 28, 2007. The Court held a final fairness hearing on October 23, 2007. No class member objected to the settlement, and this matter is now before the Court on Plaintiffs' Motion for Final Approval of Settlement with First Franklin (Doc. 58) and Plaintiffs' Motion for Approval of Attorneys' Fees and Class Representative Incentive Award (Doc. 54). Having considered the Motions, the Memoranda in Support, the oral arguments presented at the fairness hearing, and the complete record and files in this matter,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Court has jurisdiction over the subject matter of this litigation.
2. For the reasons set out in Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Final Approval (Doc. No. 59), and incorporated herein, and for the good cause shown, the Court hereby grants Plaintiffs' Motion and finally approves the settlement under Rule 23.

3. The preliminary approval order outlined the form and manner by which Plaintiffs were to provide the class with notice of the settlement, the fairness hearing and related matters. The notice program included individual notice to class members who could be identified through reasonable effort. Counsel verified that the mailing conformed to the preliminary approval order. The Court finds that the notice program fully complied with the Federal Rule of Civil Procedure 23 and the requirements of due process, providing to the class the best notice practicable under the circumstances.

4. The Court hereby grants final approval of the settlement on the basis that the settlement is fair, reasonable, and adequate to the settlement class. *See* Fed. R. Civ. P. 23(e). The Settlement Amount is substantial and the settlement includes meaningful compensation payments to class members. In reaching this conclusion, the Court is satisfied that the settlement was fairly and honestly negotiated inasmuch it was the result of vigorous arms-length negotiations which were undertaken in good faith by counsel with significant experience litigating wage and hour class actions, and that serious questions of law and fact exists such that the value of an immediate recovery outweighs the mere possibility of further relief after protracted and expensive litigation. The Court gives weight to the parties' judgment that the settlement is fair and reasonable, and as well as to the class's reaction to the settlement.

5. The Court hereby certifies a class of individuals under Rule 23(a) and (b)(3) which includes the Loan Account Managers who were employed between February 23, 2003 and April 1, 2007 and who are identified in the attached Exhibit 1. The person identified on Exhibit 2 timely and validly requested exclusion from the settlement class, therefore she is excluded. Additionally, the persons identified on Exhibit 3 were erroneously included by First Franklin in the initial list of eligible class members. Therefore, they are excluded. These persons, identified on Exhibits 2 and 3, are not included in or bound by this Order and may individually pursue claims (if any) against First Franklin. Those persons are not entitled to any recovery from the settlement proceeds obtained through this settlement.

6. Plaintiffs' Motion for Approval of Attorneys' Fees, Expenses, and Class Representative's Incentive Award (Doc. No. 54), also is approved – in the amount of \$1,034,644.20 (30% of the fund) in attorney fees and expenses, and an incentive award in the amount of \$5,000.00 to the Class Representative. After weighing the factors in *Johnson v. George Highway Express, Inc.*, 488 F.2d 714 (5<sup>th</sup> Cir. 1974), the amount of attorneys' fees is found to be reasonable, especially in light of the significant benefits accruing to the class members as a result of this settlement.

7. Defendants shall pay the settlement awards to class members, the attorneys' fees and the incentive award in accordance with the terms of the Settlement Agreement.

8. Without affecting the finality of this Order, the Court retains exclusive jurisdiction over: (a) the enforcement of this Order; (b) the enforcement of the Settlement Agreement; and (c) the distribution of the Settlement Fund.

IT IS SO ORDERED this 24th day of October, 2007.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge

# EXHIBIT 1

## CALIFORNIA RULE 23 SETTLEMENT CLASS

|     |                       |
|-----|-----------------------|
| 1.  | Adley, Deanna R       |
| 2.  | Agrifoglio, Fran C    |
| 3.  | Aguilar, Oscar H      |
| 4.  | Alejandro, Patricia A |
| 5.  | Amason, Crystal A     |
| 6.  | Amlani, Angela M      |
| 7.  | Anapol, Kari          |
| 8.  | Ancewicz, Joseph P    |
| 9.  | Anderson, Chadwick B  |
| 10. | Andrade, Madeline E   |
| 11. | Ayala, Melisa         |
| 12. | Barton, Rachele S     |
| 13. | Basa, Raymund S       |
| 14. | Bello, Denise N       |
| 15. | Benvenuto, Erica D    |
| 16. | Bernard, Laurie L     |
| 17. | Berte, Susan A        |
| 18. | Brantuas, Tennile B   |
| 19. | Brooks, Tracey L      |
| 20. | Burror, Jennifer      |
| 21. | Carmack, Katherine M  |
| 22. | Casillas, Alexandra   |
| 23. | Castaldi, Travis R    |
| 24. | Cooper, Tiffiney R    |
| 25. | Corbett, Marilyn A    |
| 26. | Corona, Andrew T      |
| 27. | Correa, Daniel A      |
| 28. | Cortez, Teresa M      |
| 29. | Courier, Megan L      |
| 30. | Cox, Shauna W         |
| 31. | Cross, Malise L       |
| 32. | Dankers, Kaija S      |
| 33. | Darney, Michelle R    |
| 34. | Davalos, Aldo         |
| 35. | Day, Susan            |
| 36. | Dazo, Maria C         |
| 37. | Dean, Megan E         |

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| 38. | DeBuhr, Cindy P             |
| 39. | DeSimas, Luis M             |
| 40. | Desnoyers, Susan K          |
| 41. | Donohoo, Rebecca            |
| 42. | Dora, Melissa Elaine        |
| 43. | Douglas, Kim Anthony        |
| 44. | Eddy, Chantel M             |
| 45. | Ellis, Cindy                |
| 46. | Esposito, Natashia          |
| 47. | Etemadamini, Sarai          |
| 48. | Fieramosca, Jessica Ramirez |
| 49. | Frances, Stefanie           |
| 50. | Fua, Ryan A                 |
| 51. | Fueston, Corey L            |
| 52. | Fulks, Lori M               |
| 53. | Fung, Cheryl W              |
| 54. | Gaeta, Nicole               |
| 55. | Gaeta, Tracey               |
| 56. | Galeana-Ocampo, Ruby        |
| 57. | Garabedian, Lina G          |
| 58. | Garcia, Gloria M            |
| 59. | Garmo, Kimberly J           |
| 60. | Garrison, Chandra L         |
| 61. | Gibson, Felix D             |
| 62. | Glessner, Brian C           |
| 63. | Gonzalez, Jose              |
| 64. | Granado, John Jr R          |
| 65. | Hale, Tawny L               |
| 66. | Harkins, Jamie P            |
| 67. | Hartman, Jason O            |
| 68. | Hill, Steven C              |
| 69. | Hoganson, Adam C            |
| 70. | Holland, Dawn               |
| 71. | Hoover, Melinda J           |
| 72. | Howard, Gina R              |
| 73. | Hughes, Robin D             |
| 74. | Jaquez, Lilian H            |
| 75. | Johnson, Lisa M             |
| 76. | Jones, Dianna M             |
| 77. | Jordan, Anthony L           |

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| 78.  | Knobel, Andrea N     |
| 79.  | Kollenborn, Sean     |
| 80.  | Konold, Jason B      |
| 81.  | Krantz, Matt J       |
| 82.  | Kroll, Michelle L    |
| 83.  | Kurek-Hahn, Kristina |
| 84.  | LadaLardo, Marylou   |
| 85.  | Laguio, Jennifer     |
| 86.  | Larsen, Janet        |
| 87.  | Lawhead, Michael J   |
| 88.  | Lee, Tina D          |
| 89.  | Leon, Patricia M     |
| 90.  | Levy, Melissa A      |
| 91.  | Licari, Jason B      |
| 92.  | Litz, Maggie L       |
| 93.  | Lopez, Ana           |
| 94.  | Lopez, Jennifer L    |
| 95.  | Lucas-Osei, Chalet V |
| 96.  | Luna, Jay J          |
| 97.  | Luzod, Alfred        |
| 98.  | Marlowe, Rebecca A   |
| 99.  | Martinez, Anna M     |
| 100. | Martinhauk, James R  |
| 101. | Mason, Angela R      |
| 102. | Mason, Spring R      |
| 103. | Matthews, Dawn L     |
| 104. | McLean, Jennifer A   |
| 105. | McLeran, Dana L      |
| 106. | Mellott, Wendy       |
| 107. | Mendenhall, Mark     |
| 108. | Mendez, Orlando      |
| 109. | Meyer, Terrance L    |
| 110. | Michels, Steven      |
| 111. | Mikles, Cindy        |
| 112. | Miyagishima, Brian I |
| 113. | Monk, John P         |
| 114. | Montoya, Evelyn      |
| 115. | Moore, Jaime         |
| 116. | Mora, Sandra         |
| 117. | Morris, Kristine B   |

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| 118. | Motus, Emmanuel M        |
| 119. | Murphy, Kate E           |
| 120. | Noriega, Danielle        |
| 121. | Ojeda-Mendoza, Maria     |
| 122. | Oliver, Nicholle M       |
| 123. | Oliver, Sonya L          |
| 124. | O'loughlin, Amy M        |
| 125. | O'Neil, Edward Duffy     |
| 126. | Ortiz, Angelica A        |
| 127. | Pandolfo, Melissa I      |
| 128. | Parker, Staci L          |
| 129. | Pectol, Lara             |
| 130. | Perez, Angela Marie      |
| 131. | Perez, Jenny E           |
| 132. | Perez, Mike              |
| 133. | Perez, Teresa            |
| 134. | Perez, Viktoria D        |
| 135. | Pezeshkian, Peyman       |
| 136. | Pierce, Jeffrey M        |
| 137. | Porter, Brooke A         |
| 138. | Pulido, Carlo A          |
| 139. | Quijada, Sally R         |
| 140. | Quintero, April V        |
| 141. | Ramsey, Beth             |
| 142. | Rice, Jeremy T           |
| 143. | Riley, Alili R           |
| 144. | Romo, Anna L             |
| 145. | Ronquillo, Aubra-Nicolle |
| 146. | Rossi-Gonzalez, Michelle |
| 147. | Rudolph, Brandy S        |
| 148. | Ruth, Sharon D           |
| 149. | Saiz, Alicia             |
| 150. | Saltzman, Erin           |
| 151. | Samudio, Cynthia L       |
| 152. | Sanchez, Sommer E        |
| 153. | Scheerer, Joanna L       |
| 154. | Scott, Melissa E         |
| 155. | Seidman, Lisa M          |
| 156. | Shalata, Joleen M        |
| 157. | Shirkey, Kristy          |



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| 158. | Siesser, Amy D         |
| 159. | Simmons, Ashley N      |
| 160. | Sinnott, Linda D       |
| 161. | Skalman, Lorie A       |
| 162. | Stager, Dawn M         |
| 163. | Stark, Samantha N      |
| 164. | Stearns, Richard M     |
| 165. | Steinberg, Lisa R      |
| 166. | Stephens, Jennifer M   |
| 167. | Sullivan, Holly L      |
| 168. | Swanson, Jennifer      |
| 169. | Talley, Nakia K        |
| 170. | Taylor, Mary C         |
| 171. | Temple, Christina R    |
| 172. | Teran, Justin M        |
| 173. | Thomas, Sara B         |
| 174. | Tietgens, Gregory H    |
| 175. | Tomaiko, Tamara M      |
| 176. | Tonne, Lisa            |
| 177. | Torres, Mercedes       |
| 178. | Toussaint, Mariellen W |
| 179. | Underwood, Svonne E    |
| 180. | Vela, Juan D           |
| 181. | Vella, Pamela M DEC'D  |
| 182. | Villalobos, Daniel     |
| 183. | Waxman, Kellie R       |
| 184. | Weiser, Heather L      |
| 185. | Welsh, Lauren N        |
| 186. | Wilson, Crystal        |
| 187. | Wismann, Rebecca M     |
| 188. | Wong, Garphill J       |
| 189. | Wrigley, Debra J       |
| 190. | Wyckoff, Angela        |
| 191. | Zaragoza, Jennifer E   |
| 192. | Zeno Jr, Edward J      |
| 193. | Zimprich, Lana M       |

# EXHIBIT 2

**REQUEST FOR EXCLUSION LISTING**

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1. Ponce, Tricia

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# EXHIBIT 3

**ERRONEOUSLY INCLUDED PERSONS  
IN CLASS LIST**

|    |                 |
|----|-----------------|
| 1. | Mai, Hein       |
| 2. | Murray, Terence |