

1 ROBERT C. SCHUBERT S.B.N. 62684
MIRANDA P. KOLBE S.B.N. 214392
2 KATHRYN MCCAULEY S.B.N. 265803
SCHUBERT JONCKHEER & KOLBE LLP
3 Three Embarcadero Center, Suite 1650
San Francisco, California 94111
4 Telephone: (415) 788-4220
rschubert@schubertlawfirm.com
5 mkolbe@schubertlawfirm.com
kmccauley@schubertlawfirm.com

6 *Attorneys for Plaintiffs and the Certified Class*

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE CITY AND COUNTY OF SAN FRANCISCO**

10 **PHYLLIS BRANNIN, VIRGINIA**
GOMEZ and VENUS SAVAGE,
11 **Individually and On Behalf of All Others**
12 **Similarly Situated,**

13 **Plaintiffs,**

14 **v.**

15 **GOLDEN GRAIN COMPANY and DOES**
1 through 100

16 **Defendants.**

Case No. CGC-16-555084

**[PROPOSED] ORDER GRANTING
MOTION FOR ATTORNEYS' FEES AND
COSTS AND INCENTIVE AWARDS**

Date: November 5, 2020

Time: 10:00 a.m.

Dept: 303

Judge: Hon. Mary E. Wiss

17
18 Plaintiffs Phyllis Brannin, Virginia Gomez and Venus Savage (“Class Representatives”),
19 on behalf of themselves and a certified Class of purchasers of certain Near East brand products
20 (the “Near East Products”) in California at any time between October 28, 2012 and May 8, 2020,
21 having sought and been granted an order preliminarily approving the Second Amended
22 Settlement Agreement and Release (the “Settlement”) entered into by the parties to this Litigation
23 dated May 1, 2020; the Court having entered its Order Granting Preliminary Approval of Class
24 Action Settlement and Approval of Class Notice on May 8, 2020; the Court having conducted a
25 hearing regarding final approval of the Settlement and Plaintiffs’ request for an award of
26 attorneys’ fees and costs and incentive awards on November 5, 2020, at which it considered any
27 objections filed with or presented to the Court and the parties’ responses thereto; the Court being
28

1 fully advised and good cause appearing, therefore the Court enters this Order Granting Motion for
2 Attorneys' Fees and Costs and Incentive Awards and finds and orders as follows:

3 1. Each party to the Settlement, including any objectors, intervenors and/or
4 proposed intervenors, shall bear its own costs and the fees and expenses of its counsel, except as
5 follows: defendant Golden Grain Company ("Golden Grain" or "Defendant") shall pay Schubert
6 Jonckheer & Kolbe LLP ("Class Counsel") attorneys' fees and costs in the amount of \$500,000.
7 Defendant shall further pay the Class Representatives \$5,000 each as an incentive award for
8 their services as class representatives. For the reasons stated on the record at the hearing
9 regarding final approval of the Settlement on November 5, 2020 and the papers on file herein,
10 the Court has determined that the awarded attorneys' fees and costs to Class Counsel and
11 incentive awards to the Class Representatives are fair and reasonable. As set forth in paragraph
12 50 of the Settlement, Defendant shall pay the awarded attorneys' fees and costs to Class
13 Counsel and incentive awards to the Class Representatives within thirty (30) days of entry of
14 this Court's order granting Final Approval of the terms of the Settlement.

15 **IT IS SO ORDERED.**

16
17
18
19 Dated: _____, 2020

20 Hon. Mary E. Wiss
21 Judge San Francisco Superior Court
22
23
24
25
26
27
28