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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

Sep 15 2008

ALAN CARLSON, Clerk of the Court

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

SEP 25 2008

ALAN CARLSON, Clerk of the Court

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BY C. Carlson

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11 Attorneys for Plaintiffs LARRY EVANS and
WESLEY HAIRSTON, on behalf of themselves
12 and all others similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF ORANGE**

15 LARRY EVANS, WESLEY HAIRSTON, on
16 behalf of themselves and all others similarly
17 situated,

18 Plaintiffs,

19 vs.

20
21 WASHINGTON MUTUAL BANK, a
Washington Corporation; WASHINGTON
22 MUTUAL BANK, F.A., a Washington
Corporation, and DOES 1-100, inclusive,
23

24 Defendants.

Case No. 02CC15415
ASSIGNED FOR ALL PURPOSES TO:
The Honorable David C. Velasquez
Department CX 101

~~PROPOSED~~ FINAL JUDGMENT
AND ORDER OF DISMISSAL WITH
PREJUDICE
[Cal. Rule of Court 3.769(h)]

Date: September 25, 2008
Time: 1:30 p.m.
Dept: CX 101

Complaint filed: October 3, 2002
Trial date: Vacated

[Proposed] Final Judgment and
Order of Dismissal with Prejudice

DISM

Case No. 02CC15415

1 This matter having come before this Court for hearing for final approval of the settlement
2 set forth in the Stipulation and Settlement Agreement, ("Settlement Agreement") pursuant to the
3 Order of Preliminary Approval and due and adequate notice having been given as required in said
4 Order, and the Court having considered all papers filed and proceedings had herein and otherwise
5 being fully informed of the premises and good cause appearing therefor, it is ORDERED,
6 ADJUDGED AND DECREED THAT:

7 1. The Court finds that the Settlement Agreement was entered into in good faith and
8 that it constitutes a fair, reasonable and adequate compromise between the Parties;

9 2. If this Judgment and the settlement do not become final and effective in accord
10 with the terms of the Settlement Agreement, then this Judgment and all orders entered in
11 connection therewith shall be deemed null and void and shall be vacated;

12 3. This Court has jurisdiction over the subject matter of this Litigation and over all
13 Parties to this litigation;

14 4. Distribution of the Notice of Class Action Settlement ("Notice") to members of
15 the Class as described in the Settlement Agreement and as preliminarily approved by the Court,
16 has been completed in conformity with the Order of Preliminary Approval of Class Action
17 Settlement filed May 15, 2008. Such individual Notice was mailed to all members of the Class
18 who could be identified through reasonable effort, and was the best notice practicable under the
19 circumstances. This Notice provided due and adequate notice of the proceedings and of the
20 matters set forth therein, including the proposed terms set forth in the Settlement Agreement, to
21 all persons entitled to such Notice. The Notice fully satisfied the requirements of due process as
22 to the settlement. No member of the Class objected to the settlement and only eleven (11) class
23 members requested to be excluded from the settlement in a timely manner;

24 5. This Court hereby approves the settlement and finds that the settlement is, in all
25 respects, fair, adequate and reasonable, and directs the Parties to effectuate the settlement
26 according to its terms. The Court has considered numerous factors, including the opinions and
27 experience of counsel; the procedural history of the case including the litigation status at the time
28 of the settlement; the risk, expense, complexity, and likely duration of further litigation; and the

1 terms negotiated in the settlement. Accordingly, the Court hereby approves the terms of the
2 settlement as fair, reasonable, adequate and in the best interests of the Parties and the Class;

3 6. The Court further finds that the settlement has been reached as a result of
4 intensive, serious, and non-collusive arms-length negotiations, including voluntary, non-binding
5 mediation before an experienced mediator. The Court finds that the Parties have conducted
6 extensive investigation, research, and discovery and that counsel for the Parties are able to
7 reasonably evaluate the Parties' respective positions. The Court finds that settlement at this time
8 will avoid additional substantial costs, as well as avoid the delay and risks that would be
9 presented by the further prosecution of the Action. The Court has reviewed the monetary
10 recovery prescribed by the Settlement Agreement and recognizes the significant value to the
11 Class of that monetary recovery;

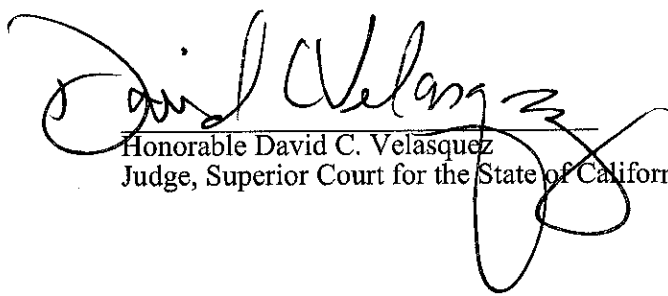
12 7. As of the Date of Finality of this settlement, (defined by the Settlement
13 Agreement, paragraph II.F, the released claims of each member of the Class, pursuant to the
14 terms of the Settlement Agreement, are and shall be deemed to be fully, finally, and conclusively
15 released as against Defendant, Washington Mutual Bank, and each member of the Class shall be
16 forever barred and enjoined from prosecuting the released claims;

17 8. The Court hereby dismisses the Litigation on the merits and with prejudice,
18 pursuant to the terms of the Settlement Agreement, against the Named Plaintiffs and all members
19 of the Class who have not requested exclusion in favor of Defendant as to all claims asserted;

20 9. Without affecting the finality of this Judgment in any way, this Court hereby
21 retains continuing jurisdiction over the interpretation, implementation and enforcement of the
22 Settlement and all orders and judgments entered in connection therewith.

23 IT IS SO ORDERED.

24
25 Dated: September 25, 2008

26 
27 Honorable David C. Velasquez
28 Judge, Superior Court for the State of California