

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
Clerk of the Superior Court

JUL 28 2017

By: R. Lindsey-Cooper, Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA - COUNTY OF SAN DIEGO

JEFF CARD, an individual and on behalf of all others similarly situated,

Plaintiff,

vs.

JOE'S JEANS, INC., a California Limited Liability Company; and DOES 1 through 100, inclusive,

Defendants

CASE NO.: 37-2015-00021834-CU-BT-CTL (consolidated with CASE NO.: 37-2015-00000566-CU-BT-CTL)

CLASS ACTION

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Judge: Hon. Joan M. Lewis
Dept.: C-65

EINAT NOIMAN, an individual and on behalf of all others similarly situated,

Plaintiff,

vs.

HUDSON CLOTHING, LLC, a California Limited Liability Company; and DOES 1 through 100, inclusive,

Defendants

1 WHEREAS this matter, having been brought before the Court on July 28, 2017, pursuant
2 to the Court’s Order Granting Preliminary Approval of the Class Action Settlement, to determine
3 whether the Agreement of Settlement, dated April 20, 2016 and the amendment thereto (the
4 “Settlement Agreement”), between named Plaintiffs Jeff Card, Einat Noiman, and Maya Schulert
5 on behalf of themselves individually and all members of the Class, and Defendants Joe’s Jeans,
6 Inc. (“Joe’s”) and Hudson Clothing, LLC (“Hudson”) (collectively “Defendants”), is fair and
7 reasonable and should be approved as in the best interest of the Class Members; and

8 WHEREAS notice of the proposed settlement having been given to members of the Class
9 as directed by this Court’s Order Granting Preliminary Approval of the Class Action Settlement,
10 and proof of notice having been filed with the Court; and

11 WHEREAS the Court has received and reviewed the Agreement of Settlement and its
12 exhibits; and

13 WHEREAS all persons present or represented at the hearing, who were entitled to be
14 heard pursuant to the Class Notice, having been given an opportunity to be heard; and counsel
15 for the parties having appeared in support of the settlement; and Class Counsel having
16 represented to the Court that in their opinion the settlement is fair and reasonable and in the best
17 interests of the Class Members; and

18 WHEREAS the Court having considered all documents filed in support of the settlement,
19 and fully considered all matters raised, all exhibits and affidavits filed, and all evidence received
20 at the hearing, all other papers and documents comprising the record herein, and all oral
21 arguments presented to the Court;

22 IT IS HEREBY ORDERED as follows:

23 1. For all purposes of this Order Granting Final Approval of Class Action Settlement
24 (“Order”), the Court adopts all defined terms as set forth in the Agreement of Settlement, which
25 is incorporated herein by this reference.

26 2. For purposes of this Order, “Class” shall mean all persons who made a purchase
27 in the United States of a Joe’s product or a Hudson product containing foreign-made component
28

1 parts in reliance on the "MADE IN USA" or "MADE IN THE USA" label (the "Jeans
2 Products"), from January 7, 2011 to December 31, 2015, for non-commercial use.

3 3. For purposes of this Order, "Class Member(s)" shall mean all persons who made a
4 purchase qualifying Joe's or Hudson's product who did not timely exercise his or her right to opt
5 out of participation in the settlement.

6 4. The Court finds that it has jurisdiction over the subject matter of the Actions, and
7 over all parties to the Actions, including all Class Members.

8 5. The Court approves the settlement of the litigation set forth in the Agreement of
9 Settlement as being fair, just, reasonable and adequate to the Class Members.

10 6. Any and all objections to the settlement and Agreement of Settlement are
11 overruled as being without merit.

12 7. These Actions may be maintained as a class action for settlement purposes.

13 8. The Court certifies this litigation as a class action for settlement purposes only,
14 and certifies the class as comprised of all Class Members.

15 9. The Court finds that the requirements of section 382 of the Code of Civil
16 Procedure, California Rules of Court 3.766 and 3.769 (have been satisfied, in that (a) the
17 Settlement Class is so numerous that joinder of all individual Settlement Class Members is
18 impracticable; (b) there are questions of law and fact common to the Settlement Class and those
19 common questions of law and fact predominate over any individual questions; (c) the claims of
20 the Plaintiffs are typical of the claims of the Class; (d) the Plaintiff and Class Counsel will fairly
21 and adequately represent the interests of the Class; and (e) a class action is superior to other
22 available methods for the fair and efficient adjudication of the controversy.

23 10. The Notice provided to the members of the Class pursuant to the Order Granting
24 Preliminary Approval of Class Action Settlement constitutes full and adequate notice and is in
25 full compliance with the requirements of California law and due process of law.

26 11. The settlement shall be implemented and consummated in accordance with the
27 definitions and terms of the Agreement of Settlement.

28

1 12. Neither the Agreement of Settlement, nor any of its terms or provisions, nor any
2 of the negotiations or proceedings connected with it shall be construed as an admission or
3 concession by Joe's or Hudson of the truth of any of the allegations in the Actions, or of any
4 liability, fault or wrongdoing of any kind.

5 13. Plaintiff and all Class Members, on behalf of themselves and any of their
6 respective agents, successors, heirs, assigns, and other persons and entities referenced in the
7 Agreement of Settlement, for good and sufficient consideration, the receipt of which is hereby
8 acknowledged, shall be deemed to have released and forever discharged the Released Persons
9 from any and all Released Claims, as defined in the Settlement Agreement.

10 14. Plaintiff and all Class Members are permanently barred and enjoined from
11 asserting, commencing, prosecuting, or continuing the Released Claims, or any of them, against
12 the Released Persons.

13 15. The Court hereby reserves jurisdiction over the Actions and Settlement to enforce
14 the terms of the judgment. The Court also retains jurisdiction to consider and rule upon
15 Plaintiff's motion for recovery of attorneys' fees, costs, and an award of an enhancement fee to
16 the class representatives.

17 16. If this Order does not become "Final" in accordance with the terms of the
18 Settlement Agreement (because the Judgment is set aside, in whole or in material part after being
19 timely appealed), then this Order, and all other orders entered in connection with this Settlement
20 (including without limitation, the Order Granting Preliminary Approval of Class Action
21 Settlement) shall be rendered *void ab initio*, and vacated in accordance with the terms of the
22 Settlement Agreement.

23 **IT IS SO ORDERED.**

24
25 Dated: 7/28/17

Joan M. Lewis
HONORABLE JOAN M. LEWIS
SUPERIOR COURT JUDGE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO