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NUTRITION, INC.; WAL-MART STORES, INC.; CVS
7 PHARMACY, INC.; WALGREEN COMPANY; MEIJER
DISTRIBUTION, INC.
8

9
10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN DIEGO

12 WILLIAM JACKSON and EDWARD
13 BUCHANNAN, on behalf of themselves, all
14 others similarly situated and the general
public,

15 Plaintiffs,

16 v.

17 LANG PHARMA NUTRITION, INC.;
18 WAL-MART STORES, INC.; CVS
19 PHARMACY, INC.; WALGREEN
COMPANY; MEIJER DISTRIBUTION,
INC.; and DOES 1-20, inclusive,

20 Defendants.
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ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

05/17/2018 at 11:35:49 AM

Clerk of the Superior Court
By ~~Jessica Pascual~~ Deputy Clerk
Clerk of the Superior Court **D**

JUL 06 2018

By: A. TAYLOR

Case No. 37-2017-00028196-CU-BC-CTL

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND NOTICE
PLAN**

Dept.: 73
Judge: Hon. Joel R. Wohlfeil

1 The Parties' joint motion for preliminary approval of a proposed class action
2 settlement came on for hearing on July 6, 2018. Having read and considered the
3 parties' Settlement Agreement and exhibits thereto, the motion and all papers submitted
4 in connection therewith, **IT IS HEREBY ORDERED:**

5
6 1. This Order incorporates by reference the definitions in the Settlement
7 Agreement, and all terms used herein shall have the same meaning as that set forth in
8 the Settlement Agreement, provided however, that in the event of any inconsistency, the
9 terms of this Order shall control.

10
11 2. For purposes of settlement only, and in accordance with the standards set
12 forth in *Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, the Court preliminarily
13 certifies this litigation as a class action and preliminarily certifies the settlement Class as
14 follows:

15 All persons who, between July 1, 2013 and the date of this Order,
16 purchased, for personal or household use, and not for resale or distribution
17 purposes, the CoQ-10 supplements listed below:

18 (a) Wal-Mart's Equate Clinical Strength High Absorption CoQ-10 100 mg

19 (b) CVS/Pharmacy Ultra CoQ-10 100 mg

20 (c) CVS/Health Ultra CoQ-10 100 mg

21 (d) CVS/Pharmacy Enhanced Absorption Formula CoQ-10 100 mg

22 (e) CVS/Health Enhanced Absorption Formula CoQ-10 100 mg

23 (f) Walgreens Well at Walgreens CoQ-10 Enhanced Absorption Formula
24 100 mg

25 (g) Walgreens Well at Walgreens CoQ-10 Enhanced Absorption Formula
26 200 mg

27 (h) Meijer's Ultra CoQ-10 100 mg
28

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2
3 3. The Court finds that the requirements of Cal. Code Civ. P. § 382 have been
4 satisfied and the Court has made a preliminary determination that plaintiffs William
5 Jackson, Edward Buchannan and Thamar Santisteban Cortina are adequate Class
6 Representatives for the Class.
7

8 4. The Court finds that plaintiff's counsel, Ronald A. Marron of The Law
9 Office of Ronald A. Marron, APLC, and each of their attorneys, can adequately
10 represent the Class, and hereby appoints them Class Counsel.
11

12 5. The Court finds that the proposed Settlement, as set forth in the Settlement
13 Agreement, falls within the range of a settlement that may be granted final approval,
14 and accordingly GRANTS the Parties' joint motion for preliminary approval.
15

16 6. The Court appoints Classaura, Inc. as the Claims Administrator.
17

18 7. A Fairness Hearing for Final Approval of this settlement shall be held on
19 November 30, 2018 ^{at 9:00 A.M.} before the Honorable Joel R. Wohlfeil in Department 73 of the
20 San Diego County Superior Court , located at 330 West Broadway , San Diego ,
21 California. The purpose of the Fairness Hearing will be to determine whether: (a) the
22 proposed Settlement should be finally approved by the Court as fair, reasonable, and
23 adequate for the Class; (b) any objections to the Settlement should be sustained or
24 overruled; (c) the fee and expense payment sought by Class Counsel should be
25 approved in the amount requested; (d) the incentive awards sought by the Class
26 Representatives should be approved in the amount requested; and (e) the Final
27 Approval Order and Judgment pursuant to California Rules of Court Rule 3.769(h),
28

1 wherein the Court retains jurisdiction over the parties to enforce the terms of the
2 judgment, should be entered.
3

4 8. The Court hereby approves the form and content of the Class Notice in the
5 form attached to the Settlement Agreement as Exhibits A and B (short form notice). The
6 Court finds that dissemination of the Class Notice as proposed in the Settlement
7 Agreement meets the requirements of Cal. Code Civ. P. § 382, Cal. Rule Ct. 3. 7 69 (f),
8 and due process, and further constitutes the best notice practicable under the
9 circumstances. Accordingly, the Court hereby approves the Notice plan as set forth in
10 Section E of the Settlement Agreement. Classaura, Inc. shall forthwith make public the
11 Class Settlement Website at the url www.Q10Settlement.com. Classaura, Inc. shall
12 commence Class Notice consistent with the Notice plan, which shall constitute due and
13 sufficient notice to all persons entitled thereto.
14

15 9. During the Notice period, and extending to 60 days after commencement of
16 Notice, Class Members who wish to participate in the Settlement may make claims in
17 the manner provided in Section F of the Settlement Agreement.
18

19 10. All papers in support of a motion for final approval of the settlement, any
20 request by Class Counsel for approval of attorneys' fees and expenses, and any request
21 by the Class Representatives for approval of incentive awards, shall be filed not later
22 than November 1, 2018, and posted to the Settlement Website reasonably soon
23 thereafter.
24

25 11. Any Class Member may request exclusion from the Settlement Class by
26 mailing a completed Opt-Out Form, available on the Settlement Website,
27 www.Q10Settlement.com, to Classaura, Inc., postmarked no later than
28

1 September 4, 2018. Any Class Member who submits a timely and valid request
2 for exclusion shall have no rights under the Settlement, will not be entitled to any
3 benefits of the Settlement, and will not be bound by the Settlement Agreement, its
4 Release of Liability, this Order, or the Final Approval Order and Judgment. Absent
5 relief from the Court, Class Members who do not request exclusion by timely
6 completing and mailing to Classaura, Inc. an Opt-Out Form, shall be deemed to be
7 members of the Class, and will be bound by the terms and conditions of the Settlement
8 Agreement, its Release of Liability, and the Final Approval Order and Judgment.
9

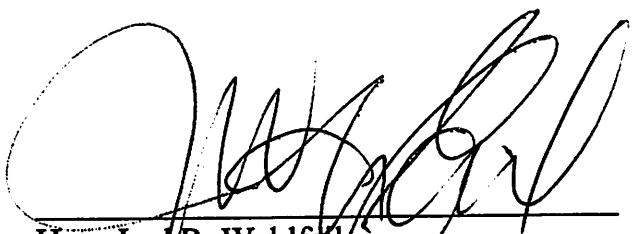
10 12. Any Class Member who wishes to object to all or any part of the proposed
11 Settlement may do so by appearing at the Final Approval Hearing either in person or
12 through an attorney at his or her own expense. Objecting Class Members must also file
13 and serve a written objection no later than September 4, 2018, as set forth in Section I
14 of the Settlement Agreement.
15

16 13. The Court reserves the right to adjourn the date of the Fairness Hearing
17 without further notice to the Class, and the Court retains jurisdiction to consider all
18 further applications arising out of or connected with the proposed Settlement.
19

20 14. Pending the Court's ruling at the Fairness hearing, neither the Class
21 Representatives, the Class Members, nor any other person or entity shall institute or
22 prosecute any of the matters referenced as Released Claims in the Settlement
23 Agreement.
24

25 **IT IS SO ORDERED.**

26 Dated: 7-6, 2018

27 
28 Hon. Joe R. Wohlfeil
Judge of the Superior Court