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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO  
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11  
12 Vicki Hebert, an individual, on behalf of herself  
13 and all others similarly situated and as a  
14 representative plaintiff,

15 Plaintiff,

16 vs.

17 Barnes & Noble, Inc.; and Does 1 through 10,

18 Defendants.

**Case No. 37-2019-00007178-CU-MC-CTL**  
**CLASS ACTION**  
*(Assigned to the Hon. Katherine Bacal – Dept. C-69)*

**Amended ~~Proposed~~ Final Order and  
Judgment Approving Class Action  
Settlement**

19  
20 The Court, having reviewed all pleadings, records, and other documentation on file in this case,  
21 including the papers filed in support of final approval of Settlement and any oral argument of counsel, and  
22 good cause appearing therefor, orders as follows:

- 23 1. This Final Judgment Approving Class Action Settlement (“Judgment”) incorporates by reference  
24 the definitions in the Settlement and Release Agreement (“Settlement”) filed as Exhibit 1 to the  
25 Declaration of Peter R. Dion-Kindem in support of the Motion for Preliminary Approval of Class  
26 Action Settlement.  
27 2. The Court approves the Settlement and finds that it is fair, reasonable, and adequate.  
28

- 1 3. The Court approves the attorney's fees requested and orders the payment of \$200,000 as  
2 reasonable attorney's fees to Peter R. Dion-Kindem, P.C. and The Blanchard Law Group, APC.  
3  
4 4. The Court finds that the costs incurred by Peter R. Dion-Kindem, P.C. and The Blanchard Law  
5 Group, APC are reasonable and orders the payment of the following costs:  
6  
7 a. To Peter R. Dion-Kindem, P.C. the amount of \$12,080.03;  
8 b. To the Blanchard Law Group, APC the amount of \$2,956.41.  
9  
10 5. The Court appoints Vicki Hebert as the representative for the Class and finds that the Incentive  
11 Award to be paid to the Representative Plaintiff is fair, reasonable, and appropriate given her  
12 services rendered in this case and orders the payment of \$10,000 to Vicki Hebert in accordance  
13 with the Settlement.  
14  
15 6. The Court approves the Settlement Administration Expenses and orders the payment of \$69,148.38  
16 to the Settlement Administrator in accordance with the Settlement.  
17  
18 7. The Court orders the payments to the Settlement Class Members as calculated and provided by the  
19 Settlement. Any uncashed checks shall be delivered to Wise Readers to Leaders, "a not-for-profit  
20 organization dedicated to closing the literacy achievement gap for youth from underserved  
21 communities and to nurturing future leaders for a diverse world through service learning, cross-  
22 cultural leadership and enrichment programs." More information can be found at  
23 <https://wisereaderstoleaders.org/>.  
24  
25 8. As of the Effective Date, the Class Representative will be deemed to have released claims as  
26 provided in Section X.B of the Settlement.  
27  
28 9. As of the Effective Date, all Participating Class Members shall be deemed to have released the  
Released Parties from all "Settlement Class Members' Released Claims" as defined by Section  
X.A. of the Settlement.  
10. Pursuant to California Rule of Court, Rule 3.769(h), and without affecting the finality of this  
Judgment, the Court retains jurisdiction of all matters relating to the interpretation, administration,  
implementation, effectuation, and enforcement of the Settlement and this Judgment to the full  
extent permitted or required by law.

1/23/29

  
KATHERINE A. BACAL

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DATED: \_\_\_\_\_, 2023

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Katherine Bacal, Superior Court Judge

1 **PROOF OF SERVICE**

2 I am over the age of 18 and not a party to the within action. My business address is 3856 Davids  
3 Road, Agoura Hills, CA 91301. On December 15, 2023, I served the following document(s) described  
4 as:

5 **Amended [Proposed] Final Order and Judgment Approving Class Action Settlement**

6 on interested parties addressed as follows:

7 QUINN EMANUEL URQUHART &  
8 SULLIVAN, LLP  
9 Shon Morgan (Bar No. 187736)  
10 John Baumann (Bar No. 288881)  
11 865 South Figueroa Street, 10<sup>th</sup> Floor  
12 Los Angeles, California 90017-2543

*Attorney for Defendant*  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100  
*Email:* shonmorgan@quinnemanuel.com;  
jackbaumann@quinnemanuel.com

13 **(By Mail)** I deposited such envelope with postage thereon fully prepaid in the United States  
14 mail at a facility regularly maintained by the United States Postal Service at Los Angeles,  
15 California.

16 **(By Overnight Delivery)** I enclosed the documents in an envelope or package provided by an  
17 overnight delivery carrier and addressed to the persons at the address(es) identified above. I  
18 placed the envelope or package for collection and overnight delivery at an office or a regularly  
19 utilized drop box of the overnight delivery carrier.

20 xxx **(By Email)** Based on a court order, Rules of Court, or an agreement of the parties to accept  
21 electronic service, I caused the documents to be sent to the person(s) at the email addresses set  
22 forth above.

23 **(By Personal Service)**

24 By personally delivering copies to the person served.  
25 I delivered such envelope by hand to the offices of the addressee pursuant to Code of  
26 Civil Procedure Section 1011.

27 I declare under penalty of perjury under the laws of the State of California that the above is true  
28 and correct. Executed on December 15, 2023.

  
Kale M. Eaton