

1 FARUQI & FARUQI, LLP  
2 Lisa Omoto (SBN 303830)  
3 1901 Avenue of the Stars, Suite 1060  
4 Los Angeles, CA 90067  
5 Telephone: (424) 256-2884  
6 Facsimile: (424) 256-2885  
7 E-mail: lomoto@faruqilaw.com

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

**MAY 08 2024**

BY:   
Ashley Cassel, Deputy

Attorneys for Plaintiff Stacy Dorcas

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN BERNARDINO**

10 STACY DORCAS, individually, and on behalf  
11 of all others similarly situated,

CASE NO. CIVSB2222117

11 Plaintiff,

**CLASS ACTION**

12 v.

**~~[PROPOSED]~~ ORDER GRANTING  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
REQUEST FOR FEES AND ENTERING  
FINAL JUDGMENT**

14 ATERIAN, INC.,

15 Defendant.

Date: ~~March 7, 2024~~ **MAY 08 2024**  
Time: 8:30 AM  
Dept.: S26  
Judge: Hon. David S. Cole **Jessica L. Morgan**

Action Filed: December 9, 2022

1           WHEREAS, on August 23, 2023, the Court entered an Order Granting Preliminary  
2 Approval of Settlement (“Preliminary Approval Order”), preliminarily approving the proposed  
3 settlement of this Action pursuant to the terms of the Settlement Agreement (the “Settlement”)  
4 and directing that notice be given to the members of the Settlement Class.

5           WHEREAS, on March 7, 2024, this Court conducted a Final Approval Hearing. Upon  
6 consideration of the pending Motion for Final Approval of Class Action Settlement and Request  
7 for Fees (“Motion”), this Court, having heard the presentations of counsel, having reviewed all  
8 of the submissions presented with respect to the proposed Settlement, having carefully  
9 considered the requirements for class certification, having determined that the Settlement is fair,  
10 adequate, and reasonable, having considered the application of Class Counsel for awards of  
11 attorneys’ fees and costs, and for an incentive award for the Plaintiff, and having reviewed the  
12 materials in support thereof, orders that the Motion is GRANTED, subject to the following terms  
13 and conditions:

14           1.       With respect to the capitalized terms set forth herein, the Court, for purposes of  
15 this Order Granting Motion for Final Approval of Class Action Settlement and Request for Fees  
16 and entering Final Judgment (“Final Order”) adopts the definitions set forth in the Settlement.

17           2.       This Court has continuing and exclusive jurisdiction over the Settlement and all  
18 Parties hereto for the purpose of construing, enforcing, and administering the Settlement.

19           3.       The Court finally certifies, for settlement purposes only, the following Settlement  
20 Class:

21           all Persons who purchased any of the Covered Products in the United States, its  
22 territories, or at any United States military facility or exchange during the Class  
23 Period. Excluded from the Settlement Class shall be the assigned Judge to the  
24 Action, counsel to the Parties, Mediator Louis M. Meisinger, and their employees,  
25 legal representatives, heirs, successors, assigns, or any members of their  
26 immediate family; any government entity; Defendant, any entity in which  
27 Defendant has a controlling interest, any of Defendant’s subsidiaries, parents,  
28 affiliates, and officers, directors, employees, legal representatives, predecessors in  
interest, heirs, successors, or assigns, or any members of their immediate family;  
and any Persons who timely opt-out of the Settlement Class.

1           4.       With respect to the Settlement Class, this Court finds that: (a) the members of the  
2 Settlement Class are so numerous their joinder is impracticable; (b) there are questions of law  
3 and fact common to the Settlement Class which predominate over any individual questions; (c)  
4 the claims of Plaintiff are typical of the claims of the Settlement Class; (d) Plaintiff and Class  
5 Counsel have fairly and adequately represented and protected the interests of the Settlement  
6 Class; and (e) a class action is superior to other available methods for the fair and efficient  
7 adjudication of the controversy.

8           5.       Notice to the Settlement Class has been provided in accordance with the  
9 Preliminary Approval Order. These materials satisfied the requirements of Cal. Civ. Pro. Code §  
10 382 and Cal. Civ. Code § 1781, and Rule 3.766 of the California Rules of Court and (a) provided  
11 the best practicable notice, (b) were reasonably calculated, under the circumstances, to apprise  
12 the Settlement Class of the pendency of the Action, the terms of the Settlement Agreement, and  
13 of their right to appear or object to or exclude themselves from the Settlement Class, (c) were  
14 reasonable and constituted due, adequate, and sufficient notice to all persons entitled to receive  
15 notice, and (d) fully complied with the applicable laws of the State of California. Accordingly,  
16 the Court determines that all members of the Settlement Class are bound by this Final Order.

17           6.       The Court dismisses with prejudice all claims currently pending before it  
18 belonging to Plaintiff and members of the Settlement Class who did not request exclusion from  
19 the Settlement Class in the time and manner provided for in the Settlement.

20           7.       The Settlement was arrived at after extensive arm's length negotiations conducted  
21 in good faith by counsel for the Parties, investigation and discovery were sufficient for this court  
22 to act intelligently, counsel is experienced in similar litigation, and the amount of objectors is  
23 small. Accordingly, this Court hereby approves the Settlement Agreement as fair, reasonable  
24 and adequate in light of the strength of the plaintiffs' case, the complexity, expense and duration  
25 of the litigation, the amount offered in settlement, the lack of a governmental participant, and the  
26 risks inherent and involved in establishing liability and damages, and in maintaining the class  
27 action as to liability issues through trial and appeal.





