

1 This matter has come before the Court pursuant to Plaintiffs' Motion for Final
2 Approval of Class Action Settlement ("Motion for Final Approval") and Plaintiffs'
3 Motion for Attorneys' Fees and Costs, Costs of Administration, and Representative
4 Enhancement Payments (ECF Doc. 116) ("Motion for Attorneys' Fee") (collectively, the
5 "Motions").

6 The Court, having considered the Motion for Final Approval, the Motion for
7 Attorneys' Fees, as well as the accompanying memoranda of points and authorities,
8 declarations of Christopher J. Morosoff, Douglas Caiafa, Greg Hafif, Jennifer Keough,
9 and Jennifer A. Peoples, as well as the Settlement Agreement between Plaintiffs Staci
10 Chester, Daniel Friedman, Robin Berkoff and Theresa Metoyer ("Plaintiffs") and
11 Defendant The TJX Companies, Inc. ("TJX" or "Defendant"), and all of the files, records,
12 and proceedings herein, and it appearing to the Court after considering the papers and the
13 arguments in connection with the Motions, that the Settlement is fair, reasonable and
14 adequate, and that adequate notice of the Settlement has been provided to the Settlement
15 Class in compliance with due process, and that a Judgment approving the Settlement and
16 an Order dismissing the Action based upon the Settlement should be entered;

17 **NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

- 18 1. The Court has jurisdiction over this action and the Parties' Proposed Settlement
19 under 28. U.S.C. §§ 1332(d) and 1453 pursuant to the Class Action Fairness Act
20 since the amount in controversy exceeds \$5,000,000 and because of the complete
21 diversity between Plaintiffs and Defendant.
- 22 2. For the reasons stated in the Order Granting Plaintiffs' Motion for Preliminary
23 Approval of Class Action Settlement and Conditional Certification of Settlement
24 Class (ECF Doc. 113) ("Preliminary Approval Order"), the Court finds that the
25 action meets all the requirements for class certification, and it is hereby ordered
26 that the Settlement Class is finally approved and certified as a class for purposes of
27 settlement of this action.
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- 1 3. The Parties' Settlement Agreement ("SA") (attached as Exhibit A to the
2 Declaration Douglas Caiafa) is granted final approval as it meets the criteria for
3 final settlement approval. The Settlement falls within the range of possible
4 approval as fair, adequate, and reasonable, and appears to be the product of arm's-
5 length and informed negotiation and to treat all Class Members fairly.
- 6 4. Notice to Class Members of the Settlement as described in the SA and the
7 Preliminary Approval Order, including the Longform Notice, Email Notice,
8 Postcard Notice, and Publication Notice (attached as Exhibits 2, 3, 4, and 5 to the
9 SA), were sufficient to inform Class Members of the terms of the Settlement; their
10 rights under the Settlement; their rights to object to the Settlement; their right to
11 receive Merchandise Credit with a cash option, or elect not to participate in the
12 Settlement; the processes for receiving Merchandise Credit with a cash option,
13 electing not to participate in the Settlement, or objecting to the Settlement; and the
14 date and location of the final approval hearing. Therefore, the Court finds and
15 determines that the Notice to Class Members was complete and constitutionally
16 sound, because individual notices were mailed and/or emailed to all Class
17 Members whose identities and addresses are reasonably known to the Parties, and
18 Notice was published in accordance with this Court's Preliminary Approval Order,
19 and such notice was the best notice practicable.
- 20 5. Class Members were provided with the opportunity to comment on, or object to the
21 Settlement, as well as to elect not to participate in the Settlement. Only 6 Class
22 Members elected to not participate in the Settlement, and only 5 Class Members
23 objected to the Settlement.
- 24 6. JND is awarded \$1,000,000 for their services as Settlement Administrator,
25 pursuant to the terms set forth in the SA.
- 26 7. Class Representatives Staci Chester, Daniel Friedman, Robin Berkoff and Theresa
27 Metoyer are each awarded the sum of \$7,500 as a Class Representative Payment
28 pursuant to the terms set forth in the SA.

- 1 8. Class Counsel is awarded \$2,125,000, as attorneys' fees, and \$35,497.97 as costs,
2 pursuant to the terms set forth in the SA.
- 3 9. By means of this Final Order and Judgment, this Court hereby enters Final
4 Judgment in this action, as defined in Rule 54, Federal Rules of Civil Procedure.
- 5 10. This action is dismissed with prejudice, each side to bear its own costs and
6 attorneys' fees except as provided by the SA and this Final Order and Judgment.
- 7 11. The Court hereby reserves its exclusive, general and continuing jurisdiction over
8 the SA as needed or appropriate in order to administer, supervise, implement,
9 interpret or enforce the Settlement in accordance with its terms.

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12 Dated: _____

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14 Hon. OTIS D. WRIGHT, II
15 UNITED STATES DISTRICT COURT
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