

1 **FINDINGS:**

2 1. Unless otherwise specified, defined terms in Agreement have the same definition
3 as used in this Final Order and Judgment.

4 2. The Court finds the Settlement was entered into in good faith, that it is fair,
5 reasonable and adequate, and that it satisfies the standards and applicable requirements for final
6 approval of this class action settlement under California law, including the provisions of California
7 Code of Civil Procedure section 382 and California Rules of Court, Rule 3.769.

8 3. The Parties adequately performed their obligations under the Agreement.

9 4. Defendant P.F. Chang's China Bistro, Inc., provided notice to Class Members in
10 compliance with paragraph 4.1 of the Agreement, California Code of Civil Procedure section 382,
11 California Rules of Court, Rules 3.766 and 3.769, the California and United States Constitutions,
12 and any other applicable law. The notice: (a) fully and accurately informed Class Members about
13 the lawsuit and Settlement; (b) provided sufficient information so that Class Members were able
14 to decide whether to accept the benefits offered, opt-out and pursue their own remedies, or object
15 to the proposed Settlement; (c) provided procedures for Class Members to file written objections
16 to the proposed Settlement, to appear at the Fairness Hearing, and to state objections to the
17 proposed Settlement; and (d) provided the time, date and place of the final Fairness Hearing.

18 5. An award of \$_____ in attorneys' fees and costs to Class Counsel
19 is fair and reasonable in light of the nature of this case, Class Counsel's experience and efforts in
20 prosecuting this Action, and the benefits obtained for the Class.

21 6. An incentive award to Plaintiff Harley Seegert in the amount of
22 \$_____ is fair and reasonable in light of Plaintiff's risks (including financial,
23 professional, and emotional) in commencing this action as the class representative, the time and
24 effort spent by Plaintiff in litigating this action as the class representative, and Plaintiff's public
25 interest service.

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1 **IT IS ORDERED THAT:**

2 **1. Class Members.** For Settlement purposes, the Class Members are defined as:

3 All persons who engaged in a credit card transaction at a California
4 P.F. Chang's Restaurant during the Class Period, during which
5 Defendant provided a Credit Card Transaction Form that contained
6 a space that allowed the credit cardholder to fill in his or her personal
7 identification information. The term "Class Period" means May 3,
8 2016 until February 22, 2019. The term "California P.F. Chang's
9 Restaurant" means any P.F. Chang's branded restaurant located in
10 the State of California. Excluded from the Class are Defendant, its
11 officers, directors, employees, and attorneys, and the judge
12 presiding over the Action

9 **2. Binding Effect of Order.** This order applies to all claims or causes of action settled
10 under the Agreement, and binds all class members, including those who did not properly request
11 exclusion under paragraph 6 of the Preliminary Approval and Provisional Class Certification
12 Order. This order does not bind persons who filed timely and valid requests for exclusion.
13 Attached as Exhibit A is a list of persons who properly requested to be excluded from the
14 Settlement.

15 **3. Release.** Plaintiff and all Class Members who did not properly request exclusion
16 are (1) deemed to have released and discharged P.F. Chang's China Bistro, Inc., from all claims
17 arising out of or asserted in this Action and claims released under the Agreement; and (2) barred
18 and permanently enjoined from asserting, instituting, or prosecuting, either directly or indirectly,
19 these claims. The full terms of the release described in this paragraph are set forth in paragraphs
20 2.7 and 2.8 of the Agreement.

21 **4. Class Relief.** The Settlement Administrator will issue a check to each Authorized
22 Claimant in accordance with paragraph 2.2 and Section 6 of the Settlement Agreement. Any
23 unused funds in the Net Settlement Fund shall be paid to the Cy Pres Beneficiaries in accordance
24 with Section 2.2 of the Settlement Agreement.

25 **5. Attorneys' Fees and Costs.** Class Counsel is awarded \$ _____
26 total in fees (\$ _____) and costs (\$ _____) to be paid from the
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1 Maximum Settlement Amount in accordance with the timelines set forth in the Settlement
2 Agreement.

3 **6. Incentive Award.** Plaintiff Harley Seegert is awarded \$ _____ as
4 an incentive award to be paid from the Maximum Settlement Amount in accordance with the
5 timelines set forth in the Settlement Agreement.

6 **7. Settlement Administrator Costs.** The Court approves the payment to JND Legal
7 Administration, the Settlement Administrator, of a total amount not to exceed \$ _____, to be
8 paid from the Maximum Settlement Amount.

9 **8. Judgment.** The Court finds that there is no reason for delay and directs the Clerk
10 to enter judgment in accordance with the terms of this Order as of the date of this Order.

11 **9. Court's Jurisdiction.** Pursuant to the Parties' request, California Code of Civil
12 Procedure section 664.6, and California Rule of Court, Rule 3.769(h), the Court retains jurisdiction
13 over this action and the Parties until final performance of the Agreement.

14 **10. Compliance Hearing.** On _____, 2019, at ____ a.m., the Court will hold a
15 compliance hearing so as to allow this Final Approval Order and Judgment to be amended and
16 provided to the Judicial Counsel pursuant to Code of Civil Procedure § 384.5. No later than five
17 court days before the compliance hearing, the Parties shall submit a report to the Court specifying
18 the total amount paid to Authorized Claimants and the amount of uncashed checks that will be
19 paid to the approved Cy Pres Beneficiaries, along with a proposed amendment to this Final
20 Approval Order and Judgment. No later than five court days after receipt of notice of entry of the
21 amended Final Approval Order and Judgment, the Parties shall submit the amended Final
22 Approval Order and Judgment to the Judicial Council, pursuant to Code of Civil Procedure § 384.5,
23 and shall file a proof of service with this Court confirming this.

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25 DATED: _____

26 JUDGE OF THE SUPERIOR COURT
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