SUPERIOR COURT OF CALIFORNIA         8       COUNTY OF SAN DIEGO         10       COUNTY OF SAN DIEGO         11       HARLEY SEEGERT, individually; on behalf of herself and all others similarly situated, herself and all others and DOES 1 final approval of the class action settlement. This Court reviewed (a) the motion and the supporting papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (ditter and the superimeted and theremeted and theremeted and the superimeted and the supof	1 2 3 4 5 6 7				
10         11         herself and all others similarly situated,         12         13         14         Plaintiffs,         15         Delaware Corporation, and DOES 1 through 20         16         Defendants.         17         18         19         20         On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion fo         11         final approval of the class action settlement. This Court reviewed (a) the motion and the supporting         papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and         23       objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin         24       Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d)         25       counsels' arguments. Based on this review and the findings below, the Court found good cause to         27       grant the motion.		SUPERIOR COURT OF CALIFORNIA			
11       HARLEY SEEGERT, individually; on behalf of herself and all others similarly situated,       CLASE NO. 37-2017-00016131-CU-MC-CTL herself and all others similarly situated,         12       Plaintiffs,       CLASS ACTION         13       vs.       PROPOSEDJ FINAL APPROVAL ORDER AND JUDGMENT         14       P.F. CHANG'S CHINA BISTRO, INC. a       PROPOSEDJ FINAL APPROVAL ORDER AND JUDGMENT         15       Delaware Corporation, and DOES 1 through 20 inclusive,       Defendants.         16       Defendants.       Defendants.         17       On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion for final approval of the class action settlement. This Court reviewed (a) the motion and the supporting papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and objections filed with or presented to the Court; (c) Plaintiff" and defendant P.F. Chang's Chin         23       objections filed with or presented to the Court; (c) Plaintiff" responses to any objections; and (d) counsels' arguments. Based on this review and the findings below, the Court found good cause to grant the motion.         24       Intermotion.         25       Intermotion.	9	COUNTY OF SAN DIEGO			
herself and all others similarly situated,       CLASS ACTION         Plaintiffs,       Plaintiffs,         vs.       PROPOSED] FINAL APPROVAL         ORDER AND JUDGMENT       P.F. CHANG'S CHINA BISTRO, INC. a         Delaware Corporation, and DOES 1 through 20 inclusive,       Defendants.         Defendants.       Defendants.         0       On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion fo         final approval of the class action settlement. This Court reviewed (a) the motion and the supporting         papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and         objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin         Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (defendant P.F. Chang's Chin         Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (defendant P.F. Chang's Chin         grant the motion.       -1-	10				
12       Plaintiffs,       CLASS ACTION         13       vs.       PROPOSED  FINAL APPROVAL ORDER AND JUDGMENT         14       P.F. CHANG'S CHINA BISTRO, INC. a Delaware Corporation, and DOES 1 through 20 inclusive,       Defendants.         16       Defendants.       Defendants.         17       0       On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion for final approval of the class action settlement. This Court reviewed (a) the motion and the supporting papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d counsels' arguments. Based on this review and the findings below, the Court found good cause to grant the motion.         28       -1-	11	HARLEY SEEGERT, individually; on behalf of)	CASE NO. 37-2017-00016131-CU-MC-CTL		
13       vs.       PROPOSEDJ FINAL APPROVAL ORDER AND JUDGMENT         14       P.F. CHANG'S CHINA BISTRO, INC. a Delaware Corporation, and DOES 1 through 20 inclusive,       Defendants.         16       Defendants.       Defendants.         17       Image: Second	12		CLASS ACTION		
14       P.F. CHANG'S CHINA BISTRO, INC. a         15       Delaware Corporation, and DOES 1 through 20 inclusive,         16       Defendants.         17       Inclusive,         18       Inclusive,         19       On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion for final approval of the class action settlement. This Court reviewed (a) the motion and the supporting papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d) counsels' arguments. Based on this review and the findings below, the Court found good cause to grant the motion.         27       Interview of the motion.         28       Interview of the motion.	13	)			
15       Delaware Corporation, and DOES 1 through 20 inclusive,         16       Defendants.         17       Defendants.         18	14	)			
16       Defendants.         17	15	Delaware Corporation, and DOES 1 through 20 )			
<ul> <li>On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion for</li> <li>final approval of the class action settlement. This Court reviewed (a) the motion and the supporting</li> <li>papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) any</li> <li>objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin</li> <li>Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d</li> <li>counsels' arguments. Based on this review and the findings below, the Court found good cause to</li> <li>grant the motion.</li> </ul>	16	)			
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On July 12, 2019, this Court heard Harley Seegert's ("Plaintiff") unopposed motion for final approval of the class action settlement. This Court reviewed (a) the motion and the supporting papers, including, the Settlement Agreement and Release ("Agreement" or "Settlement"); (b) and objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d counsels' arguments. Based on this review and the findings below, the Court found good cause to grant the motion. -1-	18				
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<ul> <li><sup>23</sup> objections filed with or presented to the Court; (c) Plaintiff's and defendant P.F. Chang's Chin.</li> <li><sup>24</sup> Bistro, Inc.'s ("Defendant") (collectively, "the Parties") responses to any objections; and (d</li> <li><sup>25</sup> counsels' arguments. Based on this review and the findings below, the Court found good cause to</li> <li><sup>26</sup> grant the motion.</li> <li><sup>27</sup> -1-</li> </ul>	21	final approval of the class action settlement. This Court reviewed (a) the motion and the supporting			
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27 28	25	counsels' arguments. Based on this review and the findings below, the Court found good cause to			
-1-	26	grant the motion.			
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## || FINDINGS:

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

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

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

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 is fair and reasonable in light of the nature of this case, Class Counsel's experience and efforts in prosecuting this Action, and the benefits obtained for the Class.

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## **IT IS ORDERED THAT:**

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

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

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

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

## [PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT

Maximum Settlement Amount in accordance with the timelines set forth in the Settlement
 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.
- 7. Settlement Administrator Costs. The Court approves the payment to JND Legal
  Administration, the Settlement Administrator, of a total amount not to exceed \$\_\_\_\_\_, to be
  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 terns of this Order as of the date of this Order.

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

**Compliance Hearing.** On , 2019, at a.m., the Court will hold a 10. 14 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 court days before the compliance hearing, the Parties shall submit a report to the Court specifying 17 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, and shall file a proof of service with this Court confirming this. 23

[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT