

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LAWRENCE P. CIUFFITELLI, for himself
and as a Trustee of CIUFFITELLI
REVOCABLE TRUST, et al.,

No. 3:16-cv-00580-AC

Plaintiffs

v.

DELOITTE & TOUCHE LLP, et al.

ORDER

Defendants

HERNANDEZ, District Judge:

Magistrate Judge Acosta issued a Findings & Recommendations (#619) in which he recommends that the Court grant Plaintiffs' Motion for Final Approval of Class Action Settlement as well certify the class, appoint class representatives, appoint class counsel, approve the plan of allocation, enter final judgment, grant class counsel's motion for award of attorney's fees and costs, award class representative incentive awards, and reserve continuing jurisdiction over the settlements. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were

timely filed, I am relieved of my obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings & Recommendation [619], and therefore,

1. The Class is certified as a class action for purposes of these Settlements. The Class Representatives are appointed as class representatives for the Class. Hagens Berman Sobol Shapiro LLP and Stoll Stoll Berne Lokting & Shlachter P.C. are appointed as Lead Class Counsel and Banks Law Office, P.C. should be appointed as additional Class Counsel;
2. Plaintiffs' Motion for Final Approval of Class Action Settlement [592] is granted;
3. The terms of the stipulated settlement agreements for each of: a) the Tonkon Settlement [334-1; 590-1]; b) the Integrity Settlement [538-1]; and c) the Global Settlement [574-1] are incorporated into the final orders and are approved. Tonkon's and Integrity's Motions for Joinder in Class Representatives' Request for Entry of a Limited Judgment of Dismissal [595, 601] are granted;
4. The Plan of Allocation is approved;
5. Final Judgments as submitted to the Court and substantially as contemplated in each of the stipulations of settlement for each of: a) the Tonkon Settlement; b) the Integrity Settlement; and c) the Global Settlement, will be entered;

6. The parties to the proceedings, the parties to the Settlements and the Claims Administrator will perform their respective obligations under the Settlements and final Order;

7. Class Counsel's Motion for Award of Attorneys' Fees and Costs [596, 610], are granted;

8. Class Counsel is awarded a total attorneys' fees of \$57,922,600 out of the common fund. The Claims Administrator is ordered to pay the awarded attorneys' fees from the common fund as provided in the stipulations of settlement;

9. Class Counsel is awarded costs of \$208,884.66. The Claims Administrator is ordered to pay the awarded costs to Class Counsel from the common fund as provided in the stipulations of settlement;

10. Each of the individual Class Representatives (Lawrence Ciuffitelli, Greg Julien, Angela Julien, James MacDonald, Susan MacDonald, William Ramstein, Greg Warrick, and Susan Warrick), are awarded an incentive award of \$10,000 from the common fund (a total of \$80,000), for their service in prosecuting this Action. The Claims Administrator is ordered to pay these incentive awards to the Class Representatives from the common fund following the Effective Date of the Settlements;

11. The Court finds that during the course of this Action, all parties and their respective counsel at all times complied with the requirements of Federal Rule of Civil Procedure 11;

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12. The Court reserves continuing and exclusive jurisdiction over the Settlements, including all future proceedings, if any, concerning the administration, consummation, and enforcement of the settlement agreements.

IT IS SO ORDERED.

DATED this 16 day of December, 2019.



MARCO A. HERNANDEZ
United States District Judge