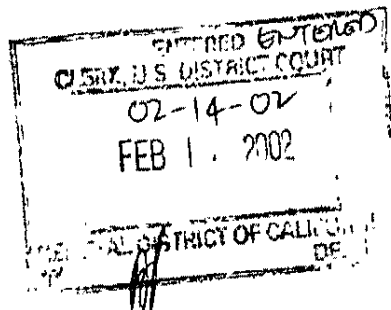


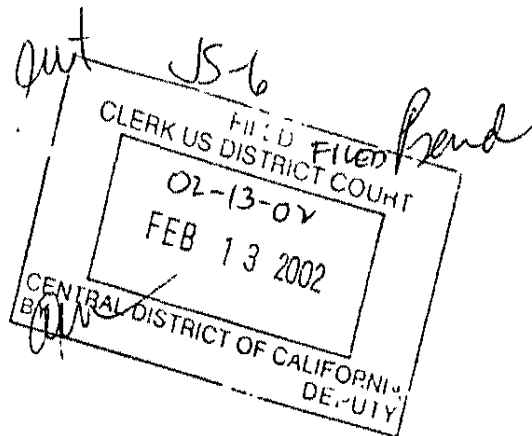
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21 MCKESSON WATER PRODUCTS COMPANY and its Successor

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- ✓ Docketed
- ✓ Copies / NTC Sent
- ✓ JS - 5 / JS - 6
- JS - 2 / JS - 3
- CLSD

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

5 Plaintiffs,)

6 v.)

7 MCKESSON WATER PRODUCTS)
8 COMPANY; its SUCCESSOR; and)
DOES 1 through 5, inclusive,)

9 Defendants.)

CASE NO. 01-09496 FMC (PJWx)

**ORDER GRANTING SETTLEMENT
CLASS CERTIFICATION AND
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

10 _____)
11 STEVE CRUTCHFIELD, JASON GRAY)
DERRICK KING, SALLE KIRBY,)
12 DANIEL MENO, LEROY MOORE, ED)
WASHINGTON AND DONNIE WHITE,)
13 on behalf of themselves and all others)
similarly situated)

14 Plaintiffs-In-Intervention,)

15 v.)

16 MCKESSON WATER PRODUCTS)
17 COMPANY; its SUCCESSOR, and)
DOES 1 through 5, inclusive,)

18 Defendants.)
19 _____)

20 This Court heard Plaintiff-Intervenors' motion for class certification pursuant to Fed. R.
21 Civ. P. 23 (a) and 23(b) and the joint motion of all parties for approval of the class action
22 settlement pursuant to Fed. R. Civ. P. 23(e) on February 11, 2002. Anna Park appeared on behalf
23 of Plaintiff Equal Employment Opportunity Commission (EEOC). Antonio Lawson, Theresa
24 Traber and Jocelyn Larkin appeared on behalf of the Plaintiff-Intervenors Steve Crutchfield,
25 Jason Gray, Derrick King, Salle Kirby, Daniel Meno, Leroy Moore, Ed Washington and Donnie
26 White. Michael Harrison and Donna Besteiro appeared on behalf of defendant McKesson Water
27 Products and its Successor Danone Holdings. The Court makes the following findings and
28 conclusions.

- 1 1. On November 15, 2001, the Court granted Preliminary Approval of the Class Settlement
2 and directed that notice be given to all class members, through first-class mail and
3 publication, of this formal final Fairness Hearing. The date for the Fairness Hearing was
4 continued from December 3, 2001 until February 11, 2002.
- 5 2. The Court has reviewed the briefs and declarations submitted in support of the motion for
6 class certification and for final approval of the settlement. The Court finds no grounds to
7 doubt the fairness of the settlement.
- 8 3. The Court finds that the notice was reasonable and reasonably calculated to provide full
9 information to the class and sufficient opportunity to opt-out or object to the settlement.
10 Based on the Declaration of Antonio Lawson as well as the representations of counsel at
11 the hearing and the absence of any objections raised during the noticed hearing, the Court
12 finds that there have been no objections to the settlement nor any opt-outs.
- 13 4. The Court finds that the proposed settlement class satisfies each of the requirements for
14 class certification of Fed. R. Civ. P. 23(a) and 23(b) and approves the certification of the
15 settlement class pursuant to Fed. R. Civ. P. 23(b)(2) and 23(b)(3).
- 16 5. The Court finds that, while liability in the case appears strong, the issue of damages in the
17 action is somewhat more complicated. It does not appear that further discovery or
18 litigation would change the positions of the parties or further benefit the class.
- 19 6. The Court finds that the proposed Class Action Settlement provides for injunctive relief
20 that will effectively reform all the practices challenged in the lawsuit.
- 21 7. The monetary settlement is fair and reasonable and, based on representations of counsel,
22 finds that the range of individual monetary recoveries is fair. The formula for
23 distribution of the monies, which divides the class into pre-1996 hires and post-1996
24 hires, is reasonable and fair. The multiplier for pre-1996 hires is justified by statistical
25 evidence about the greater losses to this segment of the class.
- 26 8. The provision for attorneys' fees appears fair and reasonable, particularly since the fees
27 will not be taken out of the class settlement fund.

28 ///

1 9. The presence of a government participant in the settlement negotiations, here the EEOC,
2 further supports a finding of fairness.

3 Based on the foregoing, the Court certifies the settlement class and concludes that the
4 Class Settlement is fair, adequate and reasonable under Fed. R. Civ. P. 23(e) and the standards set
5 forth in *Hanlon v. Chrysler*, 150 F.3d 1011 (9th Cir. 1998).

6
7 IT IS SO ORDERED.

8
9 DATED

Feb 12, 2002



Judge Florence Marie Cooper
United States District Judge

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PROOF OF SERVICE BY MAIL

I am, and was at the time the herein mentioned mailing took place, a citizen of the United States, over the age of eighteen (18) years and not a party to the above-entitled cause. I am employed in the Legal Unit of the Los Angeles District Office of the United States Equal Employment Opportunity Commission. My business address is Equal Employment Opportunity Commission, Los Angeles District Office, 255 East Temple Street, 4th Floor, Los Angeles, CA.

On the date that this declaration was executed, as shown below, I served the foregoing **ORDER GRANTING SETTLEMENT CLASS CERTIFICATION AND FINAL APPROVAL OF CLASS ACTION SETTLEMENT** by mail in sealed envelopes with postage therein fully prepaid, in regular mail at Los Angeles, County of Los Angeles, State of California, which were addressed respectively as follows:

Co-Counsel for Plaintiffs in intervention/class co-counsel:

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Theresa M. Traber
Traber & Voorhees
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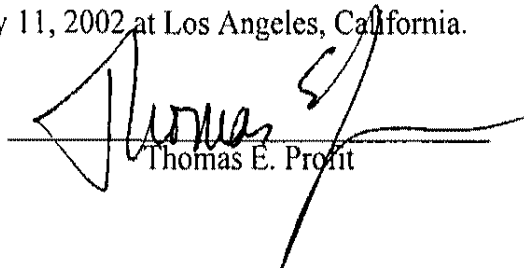
Brad Seligman
Jocelyn Larkin
The Impact Fund
125 University Avenue
Berkeley, CA 94710.

Counsel for Defendants, McKesson Water Products and Successor:

Michael Harrison
Donna Besteiro
Andrew Weiss
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Wilton, CT 06897

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 11, 2002 at Los Angeles, California.


Thomas E. Profit