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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

SCHEARON STEWART and JASON STEWART, individually and on behalf of all other similarly situated persons,

Plaintiffs,

v.

ALBERTSON’S COMPANIES, LLC a foreign limited liability company; ALBERTSON’S LLC, a foreign corporation; SAFEWAY, Inc., a foreign business corporation,

Defendants.

Case No. 16CV15125

**ORDER GRANTING FINAL APPROVAL OF CLASS SETTLEMENT**

Assigned Judge: Hon. Angela Franco Lucero

On July 10, 2023, this Court held a hearing on Plaintiffs’ Motion for Final Approval of Class Settlement in this pending class action litigation (the “Action”), in accordance with the Settlement Agreement dated February 17, 2023 (the “Agreement”). Due and adequate notice having been given to the “Settlement Class Members” (as defined in Paragraph 4 of this Order and the Agreement) pursuant to the Order Granting Motion for Preliminary Approval of Class Settlement and Notice Plan (“Preliminary Approval Order”) and ORCP 32 D, and this Court having considered the Agreement, all papers filed and proceedings held herein, and all oral and written comments received and permitted by this Court regarding the Agreement in accordance with the Preliminary Approval Order, including any objections to the Settlement by any Settlement Class Member in accordance with such Preliminary Approval Order and the Agreement, and good cause appearing,

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1 IT IS HEREBY ORDERED that:

2 1. The Court, for purposes of this Order Granting Final Approval of Class  
3 Settlement (the “Order”), adopts all defined terms set forth in the Agreement, and incorporates  
4 them herein by reference as if fully set forth herein and having the full force and effect of an  
5 Order of this Court.

6 2. This Court has jurisdiction over the subject matter of this Action, the Class  
7 Representatives, the Settlement Class Members, and Defendants.

8 3. This Order and the General Judgment of Dismissal entered pursuant to  
9 Paragraph 13 of this Order (the “General Judgment of Dismissal”) are binding upon the Class  
10 Representatives and the Settlement Class Members.

11 4. The Court finds, solely for purposes of considering this Settlement and for  
12 settlement purposes only, that the requirements of ORCP 32 and applicable law are satisfied with  
13 respect to the following Settlement Class:

14 All persons who, between May 4, 2015 and September 7, 2016 (the “Class  
15 Period”), purchased certain meat products at Safeway stores located within Oregon,  
16 offered on a Buy One, Get One Free or Buy One, Get Two Free promotion, using their  
17 Safeway Club Card. Excluded from the Settlement Class are: (1) any Judge presiding  
18 over this Action and members of their families; (2) persons who properly execute and file  
19 a timely request for exclusion from the Settlement Class; and (3) the legal  
20 representatives, successors, or assigns of any such excluded persons.

21 5. The Settlement resolves the claims of the Class Representatives and the  
22 Settlement Class Members, as defined by the Agreement.

23 6. The following individuals filed timely and valid requests to be excluded from the  
24 Settlement Class and are not members of the Settlement Class: Kathleen Hepner, Diane  
25 Ingersoll, Janet Kessler, David Pracz, Carol Slimm, and Shelley Vallereux.

26 7. The Court finds that the Agreement reflects a good-faith settlement of the claims

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1 of the Class Representatives and the Settlement Class Members reached voluntarily after  
2 consultation with experienced legal counsel and as the result of extensive arms' length  
3 negotiations with a qualified mediator, Senior Judge Henry J. Kantor.

4 8. A full opportunity has been afforded to the Settlement Class to participate in the  
5 Final Approval Hearing and all Settlement Class Members and other persons wishing to be heard  
6 have been heard. The Settlement Class Members also have had a full and fair opportunity to  
7 exclude themselves from the Settlement.

8 9. The Court finds that the Notice Plan was effected in accordance with the  
9 Preliminary Approval Order, entered March 10, 2023, was made pursuant to ORCP 32 D, and  
10 fully met the requirements of the Oregon Rules of Civil Procedure, due process, the United  
11 States Constitution, the Oregon Constitution, and any other applicable law.

12 10. No Settlement Class Member has objected to the terms of the Settlement.

13 11. Pursuant to and in accordance with the requirements of ORCP 32 D, this Court  
14 finally approves all terms of the Settlement in this Action as set forth in the Agreement,  
15 including, without limitation, the settlement consideration, and each of the releases set forth  
16 therein, as fair, just, reasonable, and adequate to the Parties. The Parties and the Settlement  
17 Administrator shall effectuate the Agreement according to its terms.

18 12. The Court hereby orders the Parties and the Settlement Administrator to  
19 administer the Claims Process and Distribution Plan in accordance with the terms of the  
20 Agreement.

21 13. This Court approves of the entry of the General Judgment of Dismissal.

22 14. As of the Effective Date of the Agreement, the Class Representatives and all  
23 members of the Settlement Class shall have, by operation of this Order and the General  
24 Judgment of Dismissal, fully, finally, and forever released, relinquished, and discharged  
25 Defendants from all Released Claims pursuant to Paragraphs 5.1, 5.2 and 5.3 of the Agreement.  
26 Upon the Effective Date, Class Representatives and all members of the Settlement Class shall be

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1 permanently barred and enjoined from the institution or prosecution of any and all claims  
2 released under the terms of the Agreement.

3 15. The Court grants Class Counsel's application for attorneys' fees in the amount of  
4 \$21,400,000.00, and costs incurred as of April 17, 2023 and anticipated future costs in the  
5 amount of \$627,205.34. Consistent with the terms of the Agreement, the Settlement  
6 Administrator will pay this Attorneys' Fees and Cost Award from the Settlement Fund, pursuant  
7 to the Distribution Plan, to Class Counsel.

8 16. Pursuant to ORCP 32 O, the Court further directs payment of unclaimed funds  
9 and uncashed checks or unclaimed payments be divided as follows: one-half paid to the Oregon  
10 State Bar for the funding of legal services provided through the Legal Services Program  
11 established under ORS 9.572 and the remaining one-half divided in equal portions to (i) National  
12 Association of Consumer Advocates; (ii) National Consumer Law Center; (iii) Oregon  
13 Consumer Justice, (iv) Oregon Food Bank, and (v) Public Justice.

14 17. This Order does not constitute an expression by this Court of any opinion,  
15 position, or determination as to the merit or lack of merit of any of the claims or defenses of the  
16 Parties, on appeal or otherwise. The Action has been settled on a compromise basis, without a  
17 final determination of the merits. Neither this Order, the General Judgment of Dismissal, nor the  
18 Agreement, is an admission or indication by Defendants of the validity of any claims in this  
19 Action or of any liability or wrongdoing or any violation of law.

20 18. The Class Representative and the Settlement Class Members are hereby further  
21 enjoined from prosecuting any claim in the Action and from filing actions or proceedings against  
22 Defendants related to the Action.

23 19. The Agreement shall not be offered or admitted into evidence and the Settlement  
24 shall not be or referred to in any way (orally or in writing) in any action, arbitration, or other  
25 proceeding, except as allowed by Rule 408 of the Oregon Evidence Code, and specifically  
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1 excepting the Action and/or a proceeding involving an effort to enforce the Settlement, as well as  
2 reference to the Settlement or Agreement in any SEC disclosure.

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5 **7/20/2023 2:38:39 PM**

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7 **Circuit Court Judge Angela Lucero**  
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9 Presented by:

10 Sarah J. Crooks, OSB No. 971512  
11 SCrooks@perkinscoie.com  
12 PERKINS COIE LLP  
Attorneys for Defendants

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1                                   **CERTIFICATE OF READINESS - Pursuant to UTCR 5.100**

2           The submission is ready for judicial signature because:

3            1. Each opposing party affected by this order or judgment has stipulated to the order  
4 or judgment, as shown by each opposing party’s signature on the document being submitted.

5            2. Each opposing party affected by this order or judgment has approved the order or  
6 judgment, as shown by signature on the document being submitted or by written confirmation or  
7 approval sent to me.

8            3. I have served a copy of this order or judgment on all parties entitled to service and:

9                    a. No objection has been served on me.

10                   b. I received objections that I could not resolve with the opposing party  
11                                   despite reasonable efforts to do so. I have filed a copy of the objections I  
12                                   received and indicated which objections remain unresolved.

13                   c. After conferring about objections \_(opposing party)\_\_ agreed to  
14                                   independently file any remaining objection.

15            4. The relief sought is against an opposing party who has been found in default.

16            5. An order of default is being requested with this proposed judgment.

17            6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule or  
18 otherwise.

19            7. This is a proposed judgment that includes an award of punitive damages and notice  
20 has been served on the Director of the Crime Victims’ Assistance Section as required by  
21 subsection (4) of this rule.

22   DATED: July 14, 2023

**PERKINS COIE LLP**

By: s/ Sarah J. Crooks

Sarah J. Crooks, OSB No. 971512

Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing ORDER GRANTING FINAL APPROVAL  
3 OF CLASS SETTLEMENT on the following:

4  
5 David F. Sugerman  
6 Nadia H. Dahab  
7 Sugerman Dahab  
8 707 SW Washington St., Suite 600  
9 Portland, OR 97205  
10 david@sugermadahab.com  
11 nadia@sugermadahab.com

Tim Alan Quenelle  
Tim Quenelle, PC  
4800 SW Meadows Road, #300  
Lake Oswego, OR 97035  
Tim.quenelle@gmail.com

*Attorney for Plaintiffs*

*Attorneys for Plaintiffs*

11 to be sent by the following indicated method or methods, on the date set forth below:

- 12  by **sending via the court’s electronic filing system**
- 13  by **email**
- 14  by **mail**
- 15  by **hand delivery**

17 DATED: July 14, 2023

**PERKINS COIE LLP**

19 By: /s/ Sarah J. Crooks  
20 Sarah J. Crooks, OSB No. 971512  
21 SCrooks@perkinscoie.com  
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