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18 **ARUTYUN MARSIKYAN, and PAYAM SAADAT** individually and on  
behalf of a class of similarly situated individuals

19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 **ARUTYUN MARSIKYAN and**  
22 **PAYAM SAADAT, individually and on**  
behalf of a class of similarly situated  
individuals,

Case No. CV08-04876 AHM (FMOx)

**CLASS ACTION**

**FINAL APPROVAL ORDER AND**  
**JUDGMENT**

23 Plaintiffs,

24 vs.

25 **MERCEDES-BENZ USA, LLC,**

26 Defendant.  
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This matter comes before the Court on the parties’ Joint Motion for Final Approval of the proposed settlement reached in this putative class action. The Court’s role in reviewing the proposed settlement is to determine whether, under all the circumstances, the settlement is fair, reasonable and adequate.

Defendant Mercedes-Benz USA, LLC has taken the steps required to notify the Settlement Class of the proposed settlement in accordance with the Court’s Order of December 18, 2009. The Court finds that the notice given, including individual notice to current registered owners and lessees, and publication notice for all other class members, constitutes reasonable and adequate notice to the Settlement Class and the best notice practicable under the circumstances.

The Court held a hearing on the proposed settlement on May 17, 2010, as scheduled in the December 18, 2009 Order and as made known to members of the Settlement Class through the notice procedures employed by the parties. The Court provided at that hearing an opportunity for all interested parties to be heard, and considered the submissions of all such interested persons. There were no objections to the settlement insofar as the relief to the class is concerned,<sup>1</sup> and only 24 individuals opted out of the settlement in a timely fashion.

The Court has determined, on the basis of the foregoing and all other relevant materials filed in this action and the record herein, that the proposed settlement is a

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<sup>1</sup> The Court will enter a separate order relating to Plaintiffs’ Motion for Attorneys’ Fees, which will address any objections to the fee request.

1 fair, reasonable and adequate compromise of the claims and defenses asserted in this  
2 action, and should therefore be approved pursuant to Fed. R. Civ. P. 23(e).

3  
4 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND**  
5 **DECREED THAT:**

6 1. The Class Action Settlement Agreement and the settlement embodied  
7 therein, as amended by the Court’s Order of March 22, 2010, are approved as fair,  
8 reasonable, and adequate; and

9  
10 2. The Fifth Amended Complaint and all prior complaints in the  
11 action, together with any and all claims alleged therein, are hereby dismissed with  
12 prejudice and without costs with respect to plaintiffs and each member of the  
13 Settlement Class, except those members of the Settlement Class who have submitted  
14 timely requests for exclusion from the Settlement Class in accordance with the  
15 procedures prescribed in the Class Action Settlement Agreement and the Court’s  
16 Order of December 18, 2009; and

17  
18 3. Settlement Class members who have not timely requested exclusion  
19 from the Settlement Class are hereby enjoined and barred from bringing any suit or  
20 asserting any claim against defendant Mercedes-Benz USA, LLC, or against any of  
21 its past or present officers, directors, agents, employees, parents, affiliates, dealers,  
22 subsidiaries or divisions, or any of their successors, assigns, or legal representatives,  
23 that were asserted in this action in any of the Complaints filed herein or that arise out  
24 of the conduct alleged in the Fifth Amended Complaint or any prior Complaint filed  
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1 in this case.

2  
3 4. The Court reserves jurisdiction over this case for the limited purpose  
4 of administering the settlement and related matters; and

5 5. The Clerk shall promptly enter this Order as a Final Judgment in the  
6 docket of this action.

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8 Dated: May 17, 2010



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11 **JS-6** A. HOWARD MATZ  
12 United States District Judge

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