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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jesus Caballero,

10 Plaintiff,

11 v.

12 Economy Preferred Insurance Company, et
13 al.,

14 Defendants.

No. CV-22-02023-PHX-MTL

FINAL ORDER

15 This matter comes before the Court to determine whether to approve Plaintiffs'
16 settlement with Defendants Economy Preferred Insurance Company, et al., and Plaintiffs'
17 Plan of Allocation. The Court, having considered Plaintiffs' Consolidated Motion for Final
18 Approval of Class Action Settlement and Certification of the Settlement Class (Doc. 136)
19 and Plaintiffs' Motion for Attorneys' Fees, Expenses and Service Awards (Doc. 134), the
20 Settlement Agreement, the pleadings, and other papers on file in this action, and the
21 statements of counsel and the parties, including at the Fairness Hearing, hereby finds that
22 the Settlement and Plan of Allocation should be approved. Accordingly, the Court enters
23 this Order of Final Approval.

24 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Final Approval of
25 Settlement (Doc. 136), and Plaintiffs' Motion for Attorneys' Fees, Expenses and Service
26 Awards (Doc. 134), are **granted** as provided herein:

27 1. The Court has jurisdiction over the subject matter of this litigation, and all
28 actions within this litigation (collectively, the "Action") and over the parties to the

1 Settlement Agreement, including all members of the Settlement Class and Defendants.

2 2. For purposes of this Order, except as otherwise set forth herein, the Court
3 incorporates the definitions contained in the Settlement Agreement, (Doc. 108-1), and
4 Proposed Order (Doc. 136-2). The Court hereby finally approves and confirms the
5 settlement set forth in the Settlement Agreement, and finds that said settlement is fair,
6 reasonable, and adequate to the Settlement Class under Rule 23 of the Federal Rules of
7 Civil Procedure.

8 3. The following “Settlement Class” was previously certified pursuant to Rule
9 23 of the Federal Rules of Civil Procedure:

10 All persons (a) insured under a policy issued by Defendants in
11 Arizona that contained the UM Endorsement or UIM
12 Endorsement and provided UM Coverage or UIM Coverage
13 for more than one motor vehicle; (b) who made a claim for UM
14 Coverage or UIM Coverage during the Class Period; and (c)
15 who (i) received a claim payment equal to the limit of liability
16 for the UM or UIM benefits for one vehicle, or (ii) who were
17 one of multiple claimants in a claim related to a single incident,
18 where the aggregate total paid on the claim was equal to the
19 per incident limit of liability for the UM Coverage or UIM
20 Coverage for one vehicle.

16 4. The Class Period means September 21, 2016, through December 3, 2024.

17 5. Pursuant to Federal Rule of Civil Procedure 23(g), the Court previously
18 appointed Hagens Berman Sobol Shapiro, LLP as Class Counsel, and the named Plaintiffs,
19 Jesus Caballero, Charles Creasman, Brynley Wilhelm, and Richard Luna, as the Class
20 Representatives on behalf of the Settlement Class.

21 6. Plaintiffs’ notice of the Class Settlement to the Settlement Class was the best
22 notice practicable under the circumstances. The notice satisfied due process and provided
23 adequate information to the Settlement Class of all matters relating to the Class Settlement
24 and fully satisfied the requirements of Federal Rules of Civil Procedure 23(c)(2) and (e)(1).

25 7. As of May 6, 2025, the deadline to request exclusion, no Class Member has
26 requested exclusion from the Settlement Class.

27 8. As of August 25, 2025, the deadline to request exclusion for the 21 remaining
28 Class Members, no Class Member had requested exclusion from the Settlement Class.

1 9. No objections were filed regarding the Class Settlement.

2 10. The Court finds that Plaintiffs' proposed Plan of Distribution, proposing to
3 pay Settlement Class members as set forth in Plaintiffs' Preliminary Approval Motion,
4 (Doc. 108 at 16-17), is "fair, reasonable, and adequate." *Noll v. eBay, Inc.*, 309 F.R.D. 593,
5 605 (N.D. Cal. 2015) (citation omitted). The Plan of Distribution does not unfairly favor
6 any Class member, or group of Class members, to the detriment of others.

7 11. The Court awards to Class Counsel Attorneys' Fees in the amount of
8 \$3,480,000.00.

9 12. The Court awards costs to Class Counsel in the amount of \$88,496.38.

10 13. The Court approves the payment of all of the settlement administrator's
11 reasonable and necessary administrative costs.

12 14. The Court awards to Class Representatives:

- 13 a. An incentive award to Jesus Caballero in the amount of \$7,500;
- 14 b. An incentive award to Charles Creasman in the amount of \$7,500;
- 15 c. An incentive award to Richard Luna in the amount of \$7,500; and
- 16 d. An incentive award to Brynley Wilhelm in the amount of \$7,500.

17 15. The Court orders Plaintiffs, through their Settlement Administrator, to make
18 all final disbursements to the Class no later than thirty days after the resolution of all
19 Medicare liens.

20 16. Without affecting the finality of this Order in any way, this Court hereby
21 retains continuing jurisdiction over:

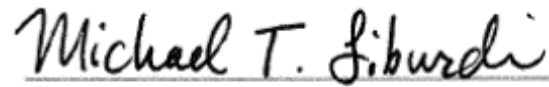
- 22 a. implementation of this settlement and any distribution to members of
23 the Class pursuant to further orders of this Court;
- 24 b. disposition of the Settlement Fund;
- 25 c. the Action until Final Judgment contemplated hereby has become
26 effective, and each and every act agreed to be performed by the parties all have been
27 performed pursuant to the Settlement Agreement;
- 28 d. hearing and ruling on any matters relating to the Plan of Distribution

1 of settlement proceeds; and

2 e. all parties to the Action and Releasing Parties, for the purpose of
3 enforcing and administering the Settlement Agreement and the mutual releases and other
4 documents contemplated by or executed in connection with the Settlement Agreement.

5 **IT IS FURTHER ORDERED** dismissing this case and the consolidated cases,
6 Case Nos. 2:22-CV-01820; 2:24-CV-01267; and 2:24-CV-01270, **with prejudice**, and
7 directing the Clerk of Court to enter a judgment of dismissal and close the cases.

8 Dated this 15th day of October, 2025.

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11 Michael T. Liburdi
12 United States District Judge
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