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16 *Attorneys for Plaintiffs*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF CONTRA COSTA**

19 JOHN HAJNY, RICARDO VILLALOBOS,
20 ANTHONY SERVICE and JEREMY ADAMS,
21 individually and on behalf of all others similarly
22 situated,

22 Plaintiffs,

23 v.

23 VOLKSWAGEN GROUP OF AMERICA, INC.,
24 AUDI OF AMERICA, LLC, AND SANCTUS,
25 LLC D/B/A SHIFT DIGITAL,

26 Defendants.

Case No.: C22-01841

CLASS ACTION

NOTICE OF ENTRY OF JUDGMENT

Judge: Hon. Charles S. Treat

Case Filed: August 30, 2022

1 TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF RECORD:
2 PLEASE TAKE NOTICE THAT on May 31, 2023, the Honorable Judge Charles S. Treat,
3 Department 12, Superior Court of the State of California, in and for the County of Contra Costa, executed
4 and entered Final Judgment in this matter. A true and correct copy of the Final Judgment is attached hereto
5 as Exhibit A.

6
7 DATED: June 1, 2023

Respectfully submitted,


8 **CASEY GERRY SCHENK**
9 **FRANCAVILLA BLATT & PENFIELD, LLP**

10 By Gayle M. Blatt
11 Gayle M. Blatt

12 *Attorneys for Plaintiffs and the Class*
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EXHIBIT A

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FILED
MAY 31 2023
K. BEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By: 

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

JOHN HAJNY, RICARDO
VILLALOBOS, ANTHONY SERVICE
and JEREMY ADAMS, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

VOLKSWAGEN GROUP OF
AMERICA, INC., AUDI OF AMERICA,
LLC, AND SANCTUS, LLC D/B/A
SHIFT DIGITAL,

Defendants.

Case No. C22-01841

FINAL JUDGMENT

1 WHEREAS, this matter came before the Court for final approval of the Class Action
2 Settlement set forth in the Settlement Agreement (“SA”) filed on September 15, 2022, in
3 accordance with the: (i) Order Granting Motion for Preliminary Approval of the Class Action
4 Settlement entered by this Court on December 22, 2022; and (ii) Plaintiffs’ Motion for Final
5 Approval of Class Action Settlement filed on April 26, 2026.

6 WHEREAS, the Court, having considered all papers filed in this action and arguments
7 of the parties and objectors, and otherwise being fully informed, and good cause appearing
8 therefore; and

9 WHEREAS, unless otherwise defined herein, all capitalized words and terms contained
10 in this Final Judgment shall have the same meanings as set forth in the SA (Section III,
11 Definitions, ¶¶ 3.1 – 3.44).

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

13 1. This Court has jurisdiction over the subject matter of the Action, this litigation,
14 and over all parties to the Action, including all Settlement Class Members.

15 2. The Court finally certifies the following Class for settlement purposes only:

16 All persons residing in the United States to whom Volkswagen Group of
17 America, Inc. and/or Audi of America, LLC sent notice that their
18 Sensitive Personal Information and/or Personal Information may have
19 been exposed as a result of the Incident.¹

20 3. The SA and the Preliminary Approval Order permits Settlement Class Members
21 to exclude themselves from the Settlement. Excluded from the Action, this litigation and the
22 Settlement Class are those persons who have submitted valid and timely requests for exclusion.
23 Attached hereto as Exhibit A is a list of all persons excluded from the Action or the Settlement
24 Class by submitting valid and timely requests for exclusion.

24 ¹ “Sensitive Personal Information” or “SPI” means the following types of Personal
25 Information: driver’s license numbers, Social Security numbers, credit or debit card numbers,
26 bank account or routing numbers, social insurance numbers, dates of birth, and/or tax
27 identification numbers.

28 “Personal Information” or “PI” means information that is or could be used, whether on its
own or in combination with other information, to identify, locate, or contact a person. For
purposes of this agreement, Personal Information or PI, does not include driver’s license
numbers, Social Security numbers, credit or debit card numbers, bank account or routing
numbers, social insurance numbers, dates of birth, and/or tax identification numbers.

1 4. This Court hereby enters Final Judgment in accordance with, and subject to, the
2 terms set forth in the Order Granting Final Approval of Class Action Settlement, and the Class
3 Representatives and the Settlement Class Members shall take nothing except as provided in
4 the SA.

5 5. Class Representatives Ricardo Villalobos, John Hajny, Anthony Service, and
6 Jeremy Adams fairly and adequately represented the Class Members.

7 6. Class Counsel M. Anderson Berry of Clayco C. Arnold, A Professional Law
8 Corp; Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield LLP; Rachele R.
9 Byrd of Wolf Haldenstein Adler Freeman & Herz LLP; and Karen Hanson Riebel of Lockridge
10 Grindal Nauen P.L.L.P. fairly and adequately represented the Settlement Class Members.

11 7. The Settling Parties shall take all steps necessary and appropriate to provide
12 Settlement Class Members with the benefits to which they are entitled under the terms of the SA
13 and pursuant to the Orders of the Court.

14 8. Class Representatives Ricardo Villalobos, John Hajny, Anthony Service, and
15 Jeremy Adams are each awarded a Service Payment of \$5,000. Such funds shall be paid from
16 the Settlement Fund.

17 9. Class Counsel is hereby awarded \$1,050,000.00 in attorneys' fees and \$48,491.97
18 in expenses, which amounts are approved as fair and reasonable, in accordance with the terms
19 of the SA. Such sums shall be paid from the Settlement Fund. Five percent of the attorneys' fees
20 are to be withheld by the Claims Administrator pending satisfactory compliance as found by
21 the Court.

22 10. The Court approves the Settlement Administration expenses associated with the
23 settlement, in the amount of \$612,486.00.

24 11. The Court hereby approves the SA and finds that the settlement is, in all respects,
25 fair, reasonable, and adequate to the Settlement Class.

26 12. Upon the Effective Date of this Final Judgment, Class Representatives and each
27 Settlement Class Member, on behalf of themselves and any other legal or natural persons who
28

1 may claim by, through or under them, are deemed to have fully, finally and forever released and
2 discharged the Released Parties from any and all Released Claims.

3 13. The Class Notice disseminated pursuant to the Notice Plan and by Order of this
4 Court was the best notice practicable under the circumstances. The Class Notice provided due
5 and adequate notice of those proceedings and of the matters set forth therein, including the
6 proposed Settlement, to all persons entitled to such notice, and the Class Notice fully satisfied
7 the requirements of California law and the requirements of due process.

8 14. Pursuant to the SA, California Code of Civil Procedure section 664.6, and rule
9 3.769(h) of the California Rules of Court, this Court retains jurisdiction over the Parties to
10 enforce the terms of the SA, the Order Granting Final Approval of Class Action Settlement, and
11 this Final Judgment.

12 15. This document shall constitute a judgment for purposes of California Rules of
13 Court, rule 3.769(h). The Clerk is directed to enter this Final Judgment forthwith.

14 16. This Final Judgment shall be posted on the settlement website until at least thirty
15 (30) days after the Effective Date.

16 17. The Court sets a compliance hearing for May 23, 2024, at 9:00 a.m. in
17 Department 12 of this Court. At one week before the hearing, Class Counsel shall submit a
18 compliance statement. Pursuant to Code of Civil Procedure § 384(b), after the settlement is
19 completely implemented, the judgment must be amended to reflect the amount paid to the
20 *cy pres* recipient and the release of the five percent of the attorneys' fees withheld pending the
21 Court's finding of satisfactory compliance.

22 **IT IS SO ORDERED.**

23
24 DATED: MAY 31 2023


25 
26 _____
27 HON. CHARLES S. TREAT
28 JUDGE OF THE SUPERIOR COURT

Exhibit A

John Hajny, et al. v. Volkswagen Group of America, Inc., et al.

Opt Out Report

Case No. MSC22-01841

Count	Postmarked Date	TN	First Name	Last Name
1	1/19/2023	92754	Daniel	Crowe
2	1/25/2023	308869	Jeffrey	Case
3	1/25/2023	2436169	Daniel	Melameth
4	1/29/2023	2810872	Amir	Liba
5	1/29/2023	320731	Gerald	Stayton Jr
6	1/26/2023	2933127	Deborah	Albarran-Sotelo
7	2/2/2023	184141	Daniel	Munley
8	2/15/2023	1249333	Deborah	Adamo
9	2/28/2023	72327	Elizabeth	Jones
10	2/23/2023	1070189	Gomathi	Gushee
11	2/24/2023	1543651	Lynne	Rogers
12	2/28/2023	2029952	Lynn	Kepl
13	3/1/2023	2633907	Faith	Pattrin
14	2/28/2023	1848117	Kit	Gardner
15	2/28/2023	2840263	Chandrashekar	Rajulapalli
16	3/6/2023	156728	Jerrika	Hinton
17	3/11/2023	418736	Paulo	Sawada
18	3/11/2023	471814	Derrell	Smith
19	3/13/2023	146595	Sulagna	Mukherjee
20	3/11/2023	890652	Jane	Hiscock
21	3/7/2023	1124576	William	Jordan
22	3/13/2023	1072441	Mytt	Anderson