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10 **UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 J. PAUL CHARLEBOIS, an
12 individual and on behalf of all others
similarly situated,

13 Plaintiff,

14 vs.

15
16 ANGELS BASEBALL LP, CITY
OF ANAHEIM, and DOES 1
17 THROUGH 10 inclusive,

18
19 Defendants.
20
21
22

NO. SACV10-853-DOC (ANx)

Hon. David O. Carter

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

1 The Court, having fully reviewed Plaintiff's Motion for Order for (1)
2 Preliminary Approval of Class Action Settlement Agreement; (2) Approval of
3 Class Notice and Method for Distribution of Notice ("Motion for Preliminary
4 Approval of Proposed Class Action Settlement") (Dkt. 68); and (3) Revised Notice
5 of Class Action Settlement (Dkt. 78), as well as the Memorandum of Points and
6 Authorities, the Memorandum of Agreement, and all other supporting documents,
7 and in recognition of the Court's duty to make a preliminary determination as to the
8 reasonableness of any proposed Class Action settlement, and if such a
9 determination is made, to provide notice to Class Members and to conduct a Final
10 Fairness and Approval Hearing, HEREBY ORDERS AS FOLLOWS:

11 (1) The Court preliminarily approves the class settlement, which provides as
12 follows:

- 13 • Wheelchair accessible and companion seats in the Diamond
14 Club, the area closest to the playing field at Angel Stadium behind home plate, will
15 be sold at rate \$50.00 a ticket (discounted from the previous rate of \$150.00 per
16 ticket) to those who pre-qualify as wheelchair users and any future ticket increases
17 will have to be proportionate to the average ticket increase in the Club Level;
- 18 • Written documentation verifying the ticket purchaser's need for
19 use of a wheelchair need only be presented upon the first purchase of discounted
20 Diamond Club Wheelchair accessible and companion seating. Copies of this
21 written documentation may be submitted to the Angels Ticket Office via U.S. Mail,
22 facsimile, email or in person. Purchasers who submit the written documentation
23 via U.S. Mail, facsimile or email, must present the original written documentation
24 to the Angels Ticket Will Call window upon the first purchase only, at the time the
25 tickets are made available to attend the game. Once the written documentation is
26 provided, the Angels Ticket office will sell the discounted tickets to the qualified
27 purchaser through telephone calls, email or in person, and will deliver the
28 discounted tickets to the purchaser via U.S. Mail or by leaving the tickets at the

1 Will Call Window, according to the purchaser's preference;

2 • Two additional wheelchair accessible and companion seats will
3 be added within the current configuration of the Diamond Club. All seating in the
4 Diamond Club will provide in-seat dining service;

5 • Angels Baseball will add in-seat food and beverage service,
6 similar to that provided on the Club level, to thirty two wheelchair accessible plus
7 thirty two existing companion seats on the Terrace Level;

8 • Angels Baseball will add an additional four wheelchair
9 accessible and four companion seats to the Knothole Club which is on the Club
10 Level;

11 • All wheelchair accessible seating, including the discounted
12 Diamond Club seats, will be sold directly on-line; and

13 • All wheelchair accessible and companion seating, aside from
14 the Diamond club seats, will remain the same for the 2012 season (as reflected in
15 Angel Baseball SSH ADA price schedule). If the Angels increase the ticket
16 pricing in future seasons, then prices for wheelchair accessible seating may be
17 increased in a commensurate manner, but not at any rate proportionally higher than
18 non-wheelchair accessible seating in a comparable section.

19 • Angels Baseball will train, in conjunction with the Disability
20 Legal Rights Center all of its ushers, ticket sales and customer service
21 representatives, regarding wheelchair accessible seating and pricing options,
22 including information concerning the location of wheelchair accessible seating
23 with in-seat food and beverage services.

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25 (2) The Court preliminarily approves the payment of an "enhancement
26 fee" in the range of \$4,000 and \$25,000 to named Plaintiff, J. Paul Charlebois, to
27 be determined on the Motion for Final Approval of the Class Action Settlement;
28

1 (3) The Court preliminarily approves the application for payment to Class
2 Counsel of reasonable attorneys' fees and costs in the range of \$296,000.00 and
3 \$725,000 to be determined on the Motion for Final Approval of the Class Action
4 Settlement;

5
6 (4) The Court preliminarily approves, as to form and content, the
7 Revised Notice of Class Action Settlement (Dkt. 78), and orders that the notice be
8 distributed to prior Angel Stadium disabled ticket purchasers via e-mail or mail, as
9 practical, and by providing notice to disabled advocacy organizations, and by
10 placing it on the respective websites of Plaintiff's attorneys and Angels Baseball;
11 and

12
13 (5) The Court sets the following dates:

- 14 • The Revised Notice shall be sent on or before March 14, 2012,
15 at 8:30 a.m.;
- 16 • Class members' objections to the part of the settlement
17 agreement regarding accommodation shall be filed on or before March 23, 2012, at
18 8:30 a.m.;
- 19 • A status report shall be filed on or before March 28, 2012, at
20 8:30 a.m.;
- 21 • A hearing for final approval of the part of the settlement
22 agreement regarding accommodation shall be held on April 2, 2012, at 8:30 a.m.;
- 23 • Class members' objections to the part of the settlement
24 agreement regarding attorney's fees and costs and Plaintiff's enhancement fees
25 shall be filed on or before April 23, 2012, at 8:30 a.m.;
- 26 • A hearing for final approval of the part of the settlement
27 agreement regarding attorney's fees and costs and Plaintiff's enhancement fees
28 shall be held on May 10, 2012, at 8:30 a.m.;

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IT IS SO ORDERED.

Dated: March 9, 2012

David O. Carter

Hon. David O. Carter