

FILED
SAN MATEO COUNTY

JUN 1 2020

Clerk of the Superior Court

By

DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

COMPLEX CIVIL LITIGATION

AARON VAN FLEET, PAUL
OVBERG and JAMES LONGFIELD,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

TRION WORLDS INC.,

Defendant.

Case No. CIV 535304
CLASS ACTION

Assigned for All Purposes to
Hon. Marie S. Weiner, Dept. 2

JUDGMENT and ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT

unopposed

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Having considered the Plaintiffs' Motion for Final Approval of Class Action Settlement between the Plaintiffs Aaron Van Fleet, Paul Ovberg, and James Longfield ("Plaintiffs") and Defendant Trion Worlds, Inc.'s and its insurer; having considered the Plaintiffs' Motion for Attorneys' Fees and Expenses; having considered that, by order dated December 13, 2019, this Court granted preliminary approval of the proposed class action settlement in this case and certified the Settlement Classes¹ pursuant to California Code of Civil Procedure Section 382 and California Rules of Court, Rule 3.769; and having considered all of the submissions and arguments with respect to Plaintiffs' Motion for Final Approval; the Court finds and orders as follows:

WHEREAS, the Court finds that the Settlement of the Action satisfies the applicable prerequisites for class action treatment under California Code of Civil Procedure Section 382 and California Rules of Court, rule 3.769. The Settlement Classes are so numerous that joinder of all members is not practicable, questions of law and fact are common to the Settlement Classes, the claims of the Plaintiffs are typical of the claims of the Settlement Classes, the Plaintiffs have fairly and adequately protected the interests of the Settlement Classes, and questions of law and fact common to the members of the Settlement Classes predominate, for

¹ Capitalized terms defined in the Settlement Agreement have the definition given to them in the Settlement Agreement.

settlement purposes, over any questions affecting only individual members;

WHEREAS, notice of the Settlement was provided to the Settlement Classes as required by California Rules of Court, rule 3.766(d), and such Notice by email was given in an adequate and sufficient manner, constitutes the best notice practicable under the circumstances, and satisfies all requirements of the California Rules of Court and due process;

WHEREAS, the Settlement was a result of arm's-length negotiation by experienced counsel with an understanding of the strengths and weaknesses of their respective cases and Defendant's financial condition. Among the factors that they considered are those set forth in the Motion for Final Approval of Class Action Settlement. Defendant has agreed to the Settlement without any admission of wrongdoing and to avoid further expense, uncertainty, and inconvenience associated with litigation. As part of the Action, Plaintiffs' Counsel have conducted a detailed investigation of the facts and analyzed the relevant legal issues. Although the Plaintiffs and Plaintiffs' Counsel believe that the claims asserted in the Complaint have merit, they also have examined the benefits to be obtained under the Settlement compared to the costs, risks, and delays associated with the continued litigation of these claims and the inability of Defendant to pay a large judgment in this matter;

of \$420,000

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WHEREAS, the Court finds that the Settlement is fair, reasonable, and adequate in light of the complexity, expense, and duration of litigation and the risks involved in establishing liability, damages, and in maintaining the class action through trial and appeal, as well as the risk to the Settlement Classes of being unable to collect on any judgment ultimately obtained;

WHEREAS, the benefits to the Settlement Classes constitute fair value given in exchange for the release of the claims of the Settlement Classes. The Court finds that the consideration to be provided under the Settlement is reasonable considering the facts and circumstances of this case, the types of claims and defenses asserted in the Action, the Defendant's financial condition, and the risks associated with the continued litigation of these claims;

WHEREAS, the Parties and Settlement Class Members have irrevocably submitted to the exclusive jurisdiction of this Court for any suit, action, proceeding or dispute arising out of Settlement,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Court certifies two Settlement Classes, for settlement purposes only, consisting of the following:
 - a. **Discount Class:** All persons in the United States who purchased an ArcheAge Patron status subscription before launch, either individually or as part of a Founder's Pack, and purchased items in

the ArcheAge Marketplace before October 22, 2018, while maintaining Patron status.

- b. **Lottery Class:** All persons in the United States who have purchased at least one supply crate in the ArcheAge Marketplace before October 22, 2018.

Excluded from the Settlement Classes are Trion, its legal representatives, officers, directors, assigns, and successors, and any entity in which Trion has a controlling interest. Also excluded is the judge to whom this case is assigned and any member of the judge's immediate family or court staff.

2. The Settlement submitted by the Parties is finally approved pursuant to California Code of Civil Procedure Section 382 and California Rules of Court, rule 3.769 as fair, reasonable, adequate, and in the best interests of the Settlement Classes. The Parties are directed to perform all obligations under the Settlement in accordance with its terms. The Parties and each person within the definition of the Settlement Classes are hereby bound by the terms and conditions of the Settlement, except for those who have duly excluded themselves.

3. ~~The Action is hereby dismissed with prejudice and without costs, except as provided in this Order.~~ This Judgment has been entered without any admission by any Party as to the merits of any allegation by any Party in the

Action and shall not constitute a finding of either fact or law as to the merits of any claim or defense asserted in the Action.

4. The Released Claims as defined in the Settlement are hereby finally compromised, settled, released, discharged, and dismissed with prejudice against the Released Parties by virtue of the proceedings herein and this Final Judgment and Order of Dismissal.

5. The Settlement Class Members and their successors and assigns are hereby permanently barred and enjoined from asserting, commencing, prosecuting or continuing to prosecute, either directly or indirectly, any Released Claim against any one of the Released Parties in any forum, with the exception of any members of the Settlement Classes who have duly excluded themselves and who are identified on Exhibit A attached to this Order.

6. The named Plaintiffs are suitable class representatives and are hereby appointed representatives for the Settlement Classes. The Court approves awards of \$2,000 each to Plaintiffs Aaron Van Fleet, Paul Ovberg, and James Longfield as a reasonable payment for their efforts and risk in bringing the Action, which awards shall be paid from the Settlement Proceeds as provided in the Settlement Agreement.

7. Based upon the evidence submitted, the Court finds that the attorneys at Robins Kaplan LLP, Terrell Marshall Law Group PLLC, and Focal

PLLC have the requisite knowledge, experience, and skill to advance the interests of the Settlement Classes. The Court hereby appoints all three law firms as counsel for the Settlement Classes. The Court approves an award of \$ 105,000.00 to Plaintiffs' Counsel as payment for their reasonable attorneys' fees and \$ 16,948 in expenses, which shall be paid from the Settlement Proceeds as provided in the Settlement Agreement.

8. The Court approves payment of up to \$65,312^(but no more than) in administration costs to the Claims Administrator from the Settlement Proceeds.

9. The balance of the settlement fund shall be distributed to the 7,202 Claimants on a pro rata basis, except that each Claimant shall receive an award of at least \$5.

10. Any unclaimed funds remaining after the check cashing period has expired shall be distributed to Public Justice Foundation. Public Justice furthers "the purposes of the underlying class action or causes of action" and promotes the law "consistent with the objectives and purposes" of the consumer protection claims in this case. *See* Cal. Code Civ. P. § 384(b).

11. Without affecting the finality of this judgment, the Court retains jurisdiction of this Settlement, including the administration and consummation of the Settlement.

12. There are no objections to the Settlement.

13. The Court finds that no just reason exists for delay in entering this Order and Judgment Granting Final Approval of Settlement. Accordingly, the Clerk is hereby directed to enter final judgment. *Plaintiff shall file and serve NOTICE of Entry of this Judgment*
IT IS SO ORDERED.

Dated: *June 1, 2020*



THE HONORABLE MARIE S. WEINER

- Exhibit A -

Van Fleet v. Trion Worlds, Inc. (Case No. CIV 535340)

Exclusion Requests

ID	Date Submitted	First Name	Last Name	Email	Phone Number	Street Address	City	State	Zip Code	Country
1	1/14/2020	Christopher	Puglisi	puglisichris@gmail.com	786-202-5008	3319 NW 191St St	Miami Gardens	FL	33056	United States
2	1/15/2020	Matias	Riojas	virusmnd@gmail.com	863-473-3708	1144 SW Anita Street	Arcadia	FL	34266	United States
3	1/22/2020	Trenton	Denton	trentondenton91@gmail.com	785-412-0268	207 North 2Nd Street	Lincoln	KS	67455	United States
4	2/9/2020	Sean	Hanson	sean.r.hanson@gmail.com	970-270-8063	2716 Unawweep Ave.	Grand Junction	CO	81503	United States
5	2/10/2020	Robin	Altman	raltman@reagan.com	501-847-3296	16212 W. Azalea Dr.	Alexander	AR	72002	United States
6	2/12/2020	Sean	Anderson	amanaman10@hotmail.com	334-590-8995	300 Gibson Street	Enterprise	AL	36330	United States
7	2/12/2020	Daniel	Katz	katz.daniel@yahoo.com	520-275-7016	12884 N. Indian Palms Dr.	Oro Valley	AZ	85755	United States
8	2/12/2020	Elaine	Antonio	eantonio604@yahoo.com	240-441-3924	14605 April St.	Accokeek	MD	20607	United States
9	2/13/2020	Kong	Yang	p_yang511@yahoo.com	559-288-5344	248 W. North Ave	Fresno	CA	93706	United States
10	3/2/2020	A	G	evilmuke@gmail.com		This Is Private	Warsaw			Poland
11	3/2/2020	Alden	Park	aldenpark@gmail.com	801-209-3370	1607 Capitol St.	Ogden	UT	84401	United States
12	3/2/2020	Lee	Lightbody	kiri@comcast.nwt	434-242-8584	315 Diamond Road	Troy	VA	22974	United States
13	3/3/2020	Tyler	Paris	BROKEN-REASON@HOTMAIL.COM	509-761-8335	9017 Castlewood Drive	Moses Lake	WA	98837	United States
14	3/3/2020	Samuel	Davis	neonbleu102@gmail.com	541-912-3382	2635 Nova Street	Springfield	OR	97477	United States
15	3/4/2020	Jialong	Lin	96thoms@gmail.com	480-658-6935	2323 E Apache Blvd Apt 2001	Tempe	AZ	85281	United States
16	3/4/2020	Averan	Wong	renakyoko@live.com	702-569-5495	391 Blue Tee Ct.	Las Vegas	NV	89148	United States
17	3/4/2020	Kimberly	Hsu	eventtides@gmail.com	626-222-2681	3130 Pozo Drive	Hacienda Heights	CA	91745	United States
18	3/5/2020	Don	Coleman	wingedtigsky872@gmail.com	615-609-1577	550 Harding Place Apt. 118	Nashville	TN	37211	United States
19	3/5/2020	Abby	Guillory	abby.guillory@gmail.com	225-333-7443	857 Parkway Drive	Natchitoches	LA	71457	United States
20	3/9/2020	Bethenia	Dixon	bethenia@gmail.com	252-342-2475	763 East Chatham Street	Newport	NC	28570	United States