

# **EXHIBIT 2**

Anoush Hakimi (State Bar No. 228858)

*anoush@handslawgroup.com*

Peter Shahriari (State Bar No. 237074)

*peter@handslawgroup.com*

**THE LAW OFFICE OF HAKIMI & SHAHRIARI**

7080 Hollywood Blvd., Suite 804

Los Angeles, California 90028

Telephone: (323) 672 – 8281

Facsimile: (213) 402 – 2170

*Attorneys for Plaintiffs and the Proposed Class*

[Additional Counsel Listed on the Following Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**DEE ANN EVANS, PATRICIA HILL, LISA ANDERSON AND PATRICK DUCKWALD**, each individually, and on behalf of all others similarly situated,

Plaintiffs,

vs.

**BIRD RIDES, INC.**, a Delaware corporation; **NEUTRON HOLDINGS, INC.**, a Delaware corporation; **CITY OF OAKLAND**, a public entity, **CITY OF PIEDMONT**, a public entity; **CITY OF SANTA CLARA**, a public entity; **CITY OF SAN JOSE**, a public entity; **CITY OF MOUNTAIN VIEW**, a public entity; **CITY OF SAN MATEO**, a public entity; **CITY OF BURLINGAME**, a public entity; **CITY OF WALNUT CREEK**, a public entity; **CITY OF RICHMOND**, a public entity; and **DOES 1-10**,

Defendants.

Case No.: 3:19-cv-01207-VC

**~~[PROPOSED]~~ ORDER GRANTING  
MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT  
AND FOR ATTORNEYS' FEES**

**Judge: Hon. Vince Chhabria**

**Date: April 15, 2021**

**Time: 2:00 p.m.**

Martin J. Phipps, Esq. (*pro hac vice*)  
*mhipps@phippsdeaconpurnell.com*

**PHIPPS MAYES PLLC**

102 9th Street

San Antonio, Texas 78215

Telephone: (210) 340 – 9877

Facsimile: (210) 340 – 9899

J. Randall Jones, Esq. (*pro hac vice*)

*r.jones@kempjones.com*

Spencer H. Gunnerson, Esq. (*pro hac vice*)

*s.gunnerson@kempjones.com*

Michael J. Gayan, Esq. (*pro hac vice*)

*m.gayan@kempjones.com*

**KEMP, JONES, LLP**

3800 Howard Hughes Parkway, 17<sup>th</sup> Floor

Las Vegas, Nevada 89169

Telephone: (702) 385 – 6000

Facsimile: (702) 385 – 6001

~~[PROPOSED]~~ **ORDER GRANTING MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT AND FOR ATTORNEYS' FEES**

This matter came on for hearing on April 15, 2021. The Court has considered the Parties' Class Action Settlement Agreement entered into by and among Defendant City of Oakland (the "City") and Plaintiff Dee Ann Evans as an individual and as the "Class representative" (collectively, the "Parties"), together with all amendments thereto, the arguments and authorities presented by the Parties and their counsel, and the record in the action, and good cause appearing, **it is hereby ORDERED, ADJUDGED, and DECREED THAT:**

1. The Amended Settlement Agreement (ECF NO. 145-1) is hereby incorporated by reference in this Order, and all terms or phrases used in this Order shall have the same meaning as in the Settlement Agreement.

2. This Court has jurisdiction over the subject matter of this action and over all parties to the action.

3. On March 8, 2021, this Court granted preliminarily approval of the Settlement finding, subject to final approval, that the terms of the agreement are fair, reasonable, and adequate and within the range of possible approval. (ECF No. 146).

4. Pursuant to Fed. R. Civ. P. 23(b)(2), the Court confirms certification, for settlement purposes only, of a Settlement Class defined as follows: All persons with mobility and/or visual disabilities who have encountered an Electric Vehicle obstructing their access to one or more Pedestrian Rights of Way in the City of Oakland, from March 5, 2016 to the date of entry of a final order granting class settlement. The Court's preliminary certification is limited to an injunctive class only, and all claims for monetary relief are preserved.

5. The Court finds that although notice to the Settlement Class was not required, there were no objections to the Settlement.

6. This Court gives final approval to the Settlement and finds the Settlement Agreement is fair, reasonable, adequate, and in the best interests of the Settlement Class.

7. The Court finds that the Class representative and Class Counsel adequately represented the Settlement Class for the purposes of litigating this matter and entering into and implementing the Settlement

Agreement.

8. The Court further finds that the factors set forth in *Churchill Vill., LLC v. Gen. Elec.*, 361 F.3d 566, 575 (9th Cir. 2004) that the Court considers when assessing the fairness of a settlement weigh in favor of approval of the Class Settlement.

9. The Court further finds that the Settlement is not the product of collusion, but rather the result of good-faith, arm's length negotiations with the assistance of Magistrate Ryu.

10. Accordingly, the Settlement is hereby finally approved in all respects, and the Parties are hereby directed to implement the Settlement according to its terms and provisions.

11. As for Class Counsel's request for fees, the Court finds that the fees requested are fair and reasonable under the lodestar approach, and hereby awards Class Counsel \$ 50,000 (the "Fee Award")

12. Except as otherwise set forth in this Order, the Parties shall bear their own fees and expenses.

13. Without affecting the finality of this Order, this Court hereby retains continuing jurisdiction relating to implementation, enforcement, and interpretation of the Settlement Agreement and this Order, and for any other necessary purpose.

**IT IS SO ORDERED.**

Dated: April 15, 2021

  
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HON. VINCE CHHABRIA  
UNITED STATES DISTRICT JUDGE