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**FILED**

By Superior Court of California, County of San Mateo

ON 10/14/2024

By /s/ Nelson, Ashlee

Deputy Clerk

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**RECEIVED**

10/4/2024

CLERK OF THE SUPERIOR COURT  
SAN MATEO COUNTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN MATEO**

ALABAMA DOE 1, ALABAMA DOE 2,  
INDIANA DOE, MISSOURI DOE, and  
FLORIDA DOE, Individually, and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

vs.

GILEAD SCIENCES, INC.,

Defendant.

Case No.: 20-CIV-03699

SG

~~[PROPOSED]~~ **SECOND AMENDED FINAL  
APPROVAL ORDER AND JUDGMENT**

1 On July 13, 2023, the Court granted final approval of the class action settlement between Plaintiffs  
2 Alabama Doe 1, Alabama Doe 2, Indiana Doe, Missouri Doe, and Florida Doe (collectively, “Plaintiffs  
3 or “Class Representatives”), and Gilead Sciences, Inc.’s (“Defendant” or “Gilead”). On January 11, 2024,  
4 the Court entered an amended final approval order and judgment (the “Amended Final Approval Order”).  
5 The Court ordered that by October 8, 2024, the Parties file with the Court a status update as to (i) how  
6 the Settlement Fund moneys have been distributed, or the status of the distribution if it is not yet  
7 completed; and (ii) a proposed amended judgment, including the amount of the funds due to be distributed  
8 to the *cy pres* recipient, Positive Women’s Network-USA.

9 Having reviewed the Parties’ October 4, 2024 Joint Status Report and the declaration of the  
10 Settlement Administrator attached thereto, and in conformity with Code of Civil Procedure section 384,  
11 the Court finds good cause to AMEND its Amended Final Approval Order:

12 **FINDINGS:**

13 1. Unless otherwise specified, defined terms in the Settlement Agreement have the same  
14 definition as used in this Final Approval Order and Judgment.

15 2. In its January 19, 2023 Order, the Court provisionally certified the Class for settlement  
16 purposes and appointed Class Representatives.

17 3. The Court finds the Settlement was entered into in good faith, that it is fair, reasonable,  
18 and adequate, and that it satisfies the standards and applicable requirements for final approval of class  
19 action settlements under California law, including the provisions of California Code of Civil Procedure  
20 section 382 and California Rules of Court, Rule 3.769.

21 4. The Parties have adequately performed their obligations under the Settlement Agreement.

22 5. The Settlement Administrator provided notice to the Settlement Class Members in  
23 compliance with Section 3 of the Agreement, California Code of Civil Procedure section 382, California  
24 Rules of Court, Rules 3.766 and 3.769, the California and United States Constitutions, and any other  
25 applicable law. The notice: (a) fully and accurately informed Settlement Class Members about the lawsuit  
26 and Settlement; (b) provided sufficient information so that Settlement Class Members were able to decide  
27 whether to accept the benefits offered, opt-out and pursue their own remedies, or object to the proposed  
28 Settlement; (c) provided procedures for Settlement Class Members to file written objections to the

1 proposed Settlement, to appear at the Fairness Hearing, and to state objections to the proposed Settlement;  
2 and (d) provided the time, date and place of the final Fairness Hearing.

3 6. There were no objections to the Settlement.

4 7. An award of \$1,333,333.33 in attorneys' fees to Co-Lead Class Counsel is fair and  
5 reasonable in light of the nature of this case, Co-Lead Class Counsel's experience and efforts in  
6 prosecuting this Action, and the benefits obtained for the Settlement Class.

7 8. An award of up to \$31,000 in reimbursement of Class Counsel's documented out-of-  
8 pocket costs is fair and reasonable.

9 9. A service award to Plaintiffs Alabama Doe 1, Alabama Doe 2, Indiana Doe, Missouri Doe,  
10 and Florida Doe in the amount of \$5,000 (each) is fair and reasonable in light of Plaintiffs' risks in  
11 commencing this Action as Class Representatives, especially considering the risks to their personal  
12 privacy in maintaining this Action, the time and effort spent by Plaintiffs in developing and litigating this  
13 Action as the Class Representatives, and Plaintiffs' public interest service. Plaintiffs' service awards are  
14 supported by the declarations of the Plaintiffs filed on July 11, 2023.

15 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

16 1. The Court finally approves the Settlement as set forth in the Settlement Agreement.

17 2. **Class Members.** For Settlement purposes, the Class Members are defined as "all persons  
18 to whom a Mailer was sent by Gilead between April 15 and April 30, 2020, and that was not returned as  
19 undeliverable by the United States Postal Service." (Settlement Agreement § 1.1(X).)

20 3. **Binding Effect of Order.** This Order applies to all claims or causes of action settled under  
21 the Settlement Agreement and binds all Class Members.

22 4. **Release.** Plaintiffs and all Class Members are, upon the Effective Date, deemed to have  
23 released and discharged the Released Parties from the Released Claims set forth in Section 6 of the  
24 Settlement Agreement. Persons who timely and properly excluded themselves are not Class Members  
25 and not bound by this Final Order.

26 5. **Class Relief.** The Settlement Administrator has issued a payment and supplemental  
27 payment to each eligible Class Member in accordance with Section 4 of the Settlement Agreement and  
28 the Amended Final Approval Order. Within fourteen (14) days of this Order, the amounts remaining after

