

FILED
Superior Court of California
County of San Francisco

FEB 28 2025

CLERK OF THE COURT

BY: *[Signature]*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 606

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

VITOL INC.; SK ENERGY AMERICAS, INC.; SK TRADING INTERNATIONAL CO. LTD.; AND DOES 1-30, INCLUSIVE,

Defendants.

Case No. CGC-20-584456

ORDER (1) GRANTING THE ATTORNEY GENERAL'S MOTION FOR FINAL APPROVAL OF *PARENS PATRIAE* SETTLEMENT, (2) GRANTING THE ATTORNEY GENERAL'S MOTION FOR ATTORNEYS' FEES AND COSTS, AND (3) GRANTING FEDERAL CLASS COUNSEL'S MOTION TO INTERVENE AND AWARDING ATTORNEYS' FEES

This matter came on regularly for hearing on February 28, 2025, at 10:00 a.m. in Department 606 of the above court, the Honorable Jeffrey S. Ross presiding. Deputy Attorneys General Divya Rao and Michael Jorgenson appeared for the People of the State of California. Amanda Bonn (Susman Godfrey LLP) appeared for defendant Vitol, Inc. Carol Weiland (Covington & Burling LLP) appeared for SK Energy Americas, Inc. and SK Trading International Co. Ltd. Dena Sharp (Girard Sharp LLP) appeared for federal class counsel. Having reviewed and considered the parties' briefing, supporting declarations, and arguments at hearing, IT IS HEREBY ORDERED that the Court **GRANTS** the Attorney General's motion for final approval of *parens patriae* settlement, **GRANTS** the Attorney General's motion for

1 attorneys' fees and costs, and GRANTS federal class counsel's motion to intervene and awards attorneys'
2 fees.

3 The California Attorney General ("Attorney General") filed a *parens patriae* action. The Attorney
4 General and defendants Vitol, Inc., SK Energy Americas, Inc. and SK Trading International Co. Ltd.
5 ("defendants") entered into settlement agreement subject to this court's approval. The terms of the
6 settlement are set forth in the settlement agreement¹ attached as Exhibit 3 to the Declaration of Divya Rao
7 in Support of Supplemental Brief Supporting Motion to Give Notice of *Parens Patriae* Settlement, dated
8 August 23, 2024, which, if approved, would resolve this action.

9 Having considered the papers filed in support of the Attorney General's motion for final approval
10 and motion for attorneys' fees and costs and the federal class counsel's motion to intervene, and for good
11 cause appearing, the court finds and orders as follows:

12 1. The court has jurisdiction over the subject matter of this litigation and the parties to this
13 litigation.

14 2. The court approves the settlement as fair, reasonable, and adequate. The settlement shall be
15 consummated in accordance with the terms and provisions of the settlement agreement.

16 3. With the exception of those natural persons listed in **exhibit A** to this order who have
17 validly and timely requested exclusion from the settlement, upon entry of this order and final judgment,
18 the instant action and all claims and cross-claims contained therein, are hereby dismissed with prejudice.

19 4. The \$12.5 million allocated to resolving the Attorney General's Unfair Competition Law
20 claim shall be referred to as "UCL Civil Penalties." UCL Civil Penalties shall be distributed pursuant to
21 Business & Professions Code, section 17206.

22 5. The \$37.5 million allocated to resolving the Attorney General's Cartwright Act claim shall
23 be referred to as the "Cartwright Act Settlement Fund." The manner and form of the notice as previously
24 approved and ordered by the court in its amended order granting preliminary approval was reasonably
25 calculated to fully and accurately inform California natural persons of all material elements of the
26 settlement and of their opportunity to object or comment thereon or to exclude themselves, was the best

27 _____
28 ¹ This order hereby incorporates by reference the definitions of the Settlement Agreement as though fully
set forth herein, and all terms used herein shall have the same meaning as set forth in the Settlement.

1 notice practicable under the circumstances, and met the requirements of due process and the laws of the
2 State of California.

3 6. The manner of providing notice substantially complied with the court's amended order
4 granting preliminary approval.

5 7. Pursuant to the notices approved by the court in its amended order granting preliminary
6 approval, all natural persons who purchased gasoline in the ten counties of Los Angeles, San Diego,
7 Orange, Riverside, San Bernardino, Kern, Ventura, Santa Barbara, San Luis Obispo, or Imperial
8 ("Southern California") from February 20, 2015 through November 10, 2015, and were a resident of
9 California at any point between May 4, 2020 and the present ("Eligible Consumers") were permitted to
10 submit a claim during the claims period.

11 8. Eligible Consumers who submit valid claims may receive a pro rata distribution out of the
12 Cartwright Act Settlement Fund.

13 9. The claims process and distribution method are adequate to afford each injured California
14 natural persons a reasonable opportunity to secure his or her appropriate portion of the monetary relief, in
15 accordance with Business & Professions Code, section 16760, subd. (e)(1).

16 10. Monica Gabino appeared and objected to the settlement based on fraud and workers'
17 compensation claims. Having reviewed her written objections and heard her at hearing, the court
18 determines that her objection is unrelated to the claims in this settlement and overrules her objection.
19 There were no other objections.

20 11. The Cartwright Act Settlement fund and any accrued interest, less administration costs,
21 taxes, and attorneys' fees and costs ("Direct Distribution Amount") shall be distributed as follows:

22 12. The Settlement Administrator, Verita Global LLC, ("Verita") shall commence attempted
23 distribution of the Direct Distribution Amount as soon as practicable, but no later than 60 days after the
24 entry of this order.

25 a. As required by the Court's Order Approving Notice, the Direct Distribution Amount shall
26 be apportioned equally across the total number of claimants who submitted a valid claim.

1 b. Eligible Consumers who submitted valid claims will receive their distribution by electronic
2 payment or paper check, as selected by the claimant. Claimants shall have 180 days to cash any paper
3 check they receive. If delivery is unsuccessful, it will be attempted a second time.

4 13. Any funds remaining in the Cartwright Act Settlement Fund after distribution because
5 distribution via electronic and/or paper check is unsuccessful (“Remaining Cartwright Act Settlement
6 Funds”) shall be distributed *cy pres* to a public California university or universities to further study the
7 California gas and transportation energy market with a goal of lowering costs to consumers and/or to
8 develop analytical tools to detect and deter future market manipulation.

9 14. Huntington National Bank is the Escrow Agent. Upon approval and pursuant to direction
10 of the Attorney General’s Office, it shall distribute the Cartwright Act Settlement Fund to Verita to pay
11 administration costs, taxes, and the Direct Distribution Amount. Upon court approval and pursuant to the
12 direction of the Attorney General’s Office, it shall distribute awards of attorneys’ fees and costs.

13 15. Notice of final judgment shall be provided to California natural persons by posting this
14 order and the final judgment on the settlement website as soon as practicable after the entry of this order.
15 these documents shall be posted for a period of not less than 60 days from the date judgment is entered.

16 16. The court reserves exclusive and continuing jurisdiction over the final judgment, the
17 settlement including the Cartwright Act Settlement Fund, and the administration, consummation, and
18 interpretation of the settlement agreement.

19 17. The Attorney General seeks attorneys’ fees and costs of \$9.375 million, or 25% of the
20 Cartwright Act fund. The Cartwright Act allows for an award. (Bus. & Prof. Code, §16760, subd. (e)(2)
21 [“The Attorney General shall retain that portion of the monetary relief awarded by the court as costs of
22 suit and attorney’s fee for deposit in the Attorney General Antitrust Account within the General Fund.”].)

23 18. In view of the risks associated with the instant case, the novelty and difficulty of the case,
24 the skill of counsel, awards in similar cases, and the contingent nature of the Attorney General’s Office’s
25 representation, the court finds a \$9.375 million award of attorneys’ fees to be appropriate. (See *Laffitte v.*
26 *Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 504.) The lodestar cross-check confirms its
27 reasonableness, as the Attorney General submitted a declaration calculating a lodestar of \$27,696,548.48,
28

1 which includes write offs, and produces a negative multiplier of 0.34. The lodestar is a negative multiplier
2 based on the fees requested here, which supports granting attorneys' fees as requested here. (*Chun-Hoon*
3 *v. McKee Foods Corp.* (N.D. Cal. 2010) 716 F.Supp.2d 848, 854 ["This resulting multiplier of less than
4 one, (sometimes called a negative multiplier) suggests that the negotiated fee award is a reasonable and
5 fair valuation of the services rendered to the class by class counsel".])

6 19. The Attorney General submits a declaration summarizing \$13,765,608.77 in expenses, but
7 only seeks reimbursement for the costs of expert work (\$7,866,720.45) and a portion of its costs for
8 outside counsel (\$1,508,280).

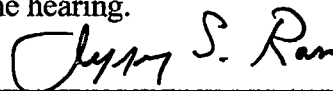
9 20. The court finds the requested \$9.375 million reasonable and **IT IS HEREBY ORDERED**
10 that the court **GRANTS** the Attorney General's motion for attorneys' fees and costs and awards \$9.375
11 million for costs and attorneys' fees.

12 21. **IT IS HEREBY ORDERED** that federal class counsel's motion to intervene is
13 **GRANTED**, and federal class counsel may intervene in the above-captioned action pursuant to California
14 Code of Civil Procedure, section 387(d)(2) for the limited purpose of submitting their motion for
15 attorneys' fees and accompanying documents.

16 22. Upon consideration of federal class counsel's motion for award of attorneys' fees, the court
17 finds that federal class counsel materially contributed to the Cartwright Act settlement (as recognized by
18 both the Attorney General and defendants) and shall be awarded an award of 8% of that settlement fund.
19 **IT IS HEREBY ORDERED** that the motion is **GRANTED**, and federal class counsel is awarded
20 \$3,000,000 in attorneys' fees from the \$37,500,000 Cartwright Act Settlement Fund resulting from the
21 settlement entered into between defendants in this matter and the Attorney General. Federal class counsel
22 and the Attorney General shall meet and confer regarding the timing of the payment of the attorneys' fees
23 award.

24 23. The court sets a compliance hearing on **August 29, 2025, at 9:00 a.m.** Counsel shall file a
25 compliance report no later than five court days before the hearing.

26 Dated: February 28, 2025



27 **JEFFREY S. ROSS**
28 Judge of the Superior Court

Exhibit A

**LIST OF CALIFORNIA NATURAL PERSONS WHO HAVE SUBMITTED REQUESTS
FOR EXCLUSION AS OF FEBRUARY 14, 2025**

FIRST NAME	M.I.	LAST NAME
SANDRA		RODRIGUEZ
REGINA	L	HOFFMAN
FELIX		MARTINEZ
JANET		LAZARI
FREDY	D	MORALES
JULIE	L	BAN
SOHWY	R	MOORE
FERECHTE	A	MACKAY
RICKEY	C	JONES
ELISA	M	AMEZCUA
ABDUL	RAUF	SAEDU
MARY ANN		SERNA
LEROY		MARTIN JR.
LEDELL		JENKINS
ALBERTO		MANZANO
NANCY	B	TRAD
GREGORY	L	JACKSON
GAL	E	HUDSON
JEANETTE		WILLIAMS
EVA	S	CENTENO
ZAHIRA		GANCHAZ
JESUS	G	PIMENTED
ROBERT	L	ESTRADA
NEAL	A	JONES
ELYSEE	H	PARK
BASILIO	M	PEREZ
BASILIA	M	SOTO
CHRISTENE	L	MINIFIELD
DIANE	M	ALLEN
JAMIE		JOHNSON SMITH
ANNA	E	PINTO
LINH	K	TRAN
SHAHIN	A	SEMNANCY
THOMAS	L	RICHARDSON
MAX		MARZBAN
RICHARD	F	BOTLON
ALMA	E	REYES
TODD	E	HOSEY

GARY	T	MCELRATH
JAMES	H	CHERRY
VERONICA	M	ABREGO
ANDREW		CHAN
JERILYN		PHIPPENY
ROSLYN		HARRIS
STEVE		SEARS
SUN JEONG		PARK
PATRICIA		CASTILLO
RYAN		DUONG
VANNARINH		KIEN
CHRISTIE		CHAMBERS
SHANGRI-LA		TORRES
AUDREY		FREUDBERG
KIMBERLY		NEWSOM
SILVERIO		CHAIRES
SUSAN		HILLSETH
GRACE		OH
ANTHONY		NABONG
MARIA		REYES
ANDREW		HORWAY
KRISHNA		SINGH
PHAT		DIEP
PHILIP		KARNATSEVICH
MISIPOUENA		TAGALOA
BRIA		LAMOTHE
TYESHA		MARBURY
JAMAAL		REESE
IAZI		LIU
JENNA		AVGERENOS
DANIJEL		STANKOVIC
CHARLES		COWAN
ANGELICA		MEDINA
HANNAH		NGUYEN
CHARLES		ACRES
NORMAN		RAMOS
NATALIA		ESTRADA
DANIELA		BRAMBILA
FEDERICO		VALADEZ
MICHELLE		BRAMBILA
GREG		NEWCOMB
KATHERINE		MORGAN
HUY		TRAN

ROSIO		MUNOZ
SUMUKH		RAY
INTREE		SUPHAMARK
SANDRA		RODRIGUEZ
AHMAD		ASIAD
IRIS		HSU
JORDYN		NGUYEN
KIET		YEN
PHUONG		LY
CHAU		AU
BRYAN		LAZO
JESSE		BRAZIER
LINDA		BRIGGS
DONALD		BERG
JAMES		BRANTLEY
STACY		CORONADO
JUSTIN		WONG
MICHAEL		MUCKLOW
EDUARDO		MENDOZA CORRAL
GARRETT		BAILEY
VICKY		BAILEY
GLORIA		MARTIN
CHRISTOPHER		VAN KIRK
MARJORIE		VAN KIRK
MOISES		CALIBO
JAMES		HOUSER
KENNETH		REED
JOHN		VELICKI
BRUCE		FORSBERG
FLORA		RSHTUNI
NGHIEP		DAO
ANTHONY		ZEPEDA
TIFFANY		JIANG
ROMAN		KARAS
MARTHA		MARTHA RAMOS
JENNA		AVGERENOS
THOMAS		LIEBHERR
BANG		HEANG
BRYAN		COBURN
DMITRIY		KAZARYAN
JOSE MANUEL		RICO
SO YOUNG		KIM
YONG		HAM

MARIAM		BABAYAN
SAM		ROD
NUNE		AVAGYAN
KRISTINE		ANTONIAN
MARILU		ARROYO MORALES
LEE		WATERWORTH
GERASIM		SAMVELYAN
GARRY		HARRIS
PAUL		FERLATTE
LIANA		MELKONYAN
KAREN		GROGAN
THOMAS		CROWE
MICHAEL		PAYNE
QIYU		YANG
RONALD		DAYAG
MICHELLE		LIANG-AYANGCO
DANIEL		HOWARD
EDWARD		DEROSIER
ANGELIQUE		NGUYEN
JUN YOUNG		YANG
DAVID		HANSEN
ISABELLE		CHUNG
CHRIS		CHANDLER
HAPPIE		JOUNG
HAN SEOL		RYU
DAVID		JONES
TODD		WHITING
DONG		PARK
JASON		NEAGLES
JIMMY		CHANG
ANAIT		MATEVOSYAN
LAURA		HAMMER
JONATHAN		ROUX
QUYNH		NGUYEN
BOB		RING
ANI		TOVMASIAN
VARUZHAN		MANUKIAN
GAYANE		MATEVOSYAN
HOVSEP		TOVMASYAN
FRED		ANSALDI
MICHAEL		UHLER
JAY		KO
JOE		SMITH

ANFREDERICK	TATE
FRANK	DRAKE
JIM	CONNOLLY
HAKOP	CHILINGARYAN
KARL	BECKER
JAMES	MCGREW
KATHY	TAK
CARIN	MANGASSARIAN
RON P.	MARTINEZ
KAREENA	RAMIREZ
DONNA	SHELTON
ALEXANDRA	STONE
ROSE MARIE	KASSLER
ELVIRA	AGUILAR
WINELL	MEDRANO
MARCUS	SMITH
FERNANDA	GAVINO
STEVEN	SANDERS
DEBORA	SANDERS
CAROLINE	SABO
YEN	PHAM
CYNDEE	HOLDERREAD
LEON	MCCARTY
SEONGHUN	YUN
YOUNG	WHANG
BRIANNA	DAU
MARIOS	KYPEROUNTAS
CHRYSTALLA	TRYFONOS
JAVIER	MARTINEZ
BRUCE	HADLEY
VONDA	COURTNEY
STEVEN	STRICKLAND
JIMMY	CHANG
RAVI	ADVANI
SAMMY	CHANG
MARSHALL	GLOS
KARINA	ZELAYA
JOSE	CORTEZ
JUANCARLOS	QUEZADA
NOSRAT	MOKHTARZADEH
DALE	RODRIGUEZ
DAVID	GRESHAM
JEFFREY	PETERSEN

ELBA	HERRARTE
ERIN	ALVARADO
MARSHA	HELLER
MARBELLA	ALVARADO
SUSAN	FLANAGAN
BIDWELL	TYLER
FREDERICK DOUGLAS	MUHAMMAD
LAFAYETTE	SWAIN
DANNY	CAMPBELL
SAVITA	NATARAJ
JESSICA	NORDAHL
TORRIE	PRICE
NANCY	SCHROEDER
JERRY	ROBINSON
KELLYE	SEALS
AIMEE	CALLEGARI
JOHN	TEMME
TIFFANY	BELLE
SHELIA	WHITE
HASSAN	MATEEN
LATANYA	HALL
ANTHONY	VALENTINO
KAYLYNN	BLAIN
JUSTIN	MERTEN
KEITRICK	CARTER
ANDREA	PATLAN
STEVEN D	SNAPP
DAVIE	SANDERS
ESVEIDI	B UROZA
ANAZIA	JONES
SHARON	HILL
ESMERALDA	ORTIZ
DULCE	ALDERETE
NICHOLE	MITCHEL TREE
KARIESHA	CAMPBELL
MARY	GRANDBERRY
GLOSSIE	CARPENTER
ANDREA	WEBB
DONALD	BALLARD
JOSEPHINA	ANDRADE
GREGORY	JACKSON
OCTAVIO	LIZARRAGA CHIQUETE
ANA MARIA	CHIQUETE SANDOVAL

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, Sean Kane, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On February 28, 2025, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: February 28, 2025

Brandon E. Riley, Court Executive Officer

By: 
Sean Kane, Deputy Clerk