



ENDORSED
FILED
ALAMEDA COUNTY

DEC 14 2006

CLERK OF THE SUPERIOR COURT
By *[Signature]*, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

ANTHONY MARIN, TOAOLEMOTU
FOLAUOO, GERI PLUMMER, and EDWARD
GARCIA, on behalf of themselves, and on
behalf of all others similarly situated,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION
and DOES 1 through 25, inclusive,

Defendants.

Case No. RG04150447

Assigned to Hon. Ronald M. Sabraw

~~[proposed]~~ FINAL JUDGMENT ORDER

Date: December 5, 2006

Time: 3:00 p.m.

Department: 22

Filing Date: April 12, 2004

Trial Date: December 5, 2006

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1 In its Amended Order of November 17, 2006, the Court resolved the outstanding liability
2 issues in ruling on the parties' cross-motions for summary adjudication. On December 5, 2006, the
3 parties presented to the Court the various issues regarding injunctive relief and/or damages. Based
4 upon the Joint Stipulation submitted by the parties, the arguments presented, and all other papers
5 on file, the Court hereby ORDERS as follows:

6 **I. INJUNCTIVE RELIEF**

7 1. Costco must pay bonus overtime to its California non-union bonus-eligible
8 employees who qualify for the full semi-annual bonus (*i.e.*, members of subclass A and/or B) in an
9 amount no less than:

10 (a) Maximum base bonus amount ÷ straight-time hours attributable to bonus period = bonus
11 regular rate

12 (b) (1) Bonus regular rate x 1.5 = bonus rate for overtime hours

13 (2) Bonus regular rate x 2 = bonus rate for double-time hours

14 (c) (1) Bonus rate for overtime hours x overtime hours worked before employee qualifies for
15 the maximum base bonus (*i.e.*, 1,000 paid hours for BIWK and 950 paid hours for
16 BSUN) = bonus overtime owed

17 (2) Bonus rate for double-time hours x double-time hours worked before employee
18 qualifies for the maximum base bonus (*i.e.*, 1,000 paid hours for BIWK and 950 paid
19 hours for BSUN) = bonus double-time owed

20 (d) Bonus overtime owed + bonus double-time owed = total bonus overtime payment

21 2. The Court shall retain jurisdiction over this matter for one year from the date of entry
22 of judgment to enforce the terms of this judgment. This one-year period shall encompass the two
23 (2) semi-annual bonus payments following the entry of judgment in this matter.

24 3. Costco shall submit to the Court, within thirty days of the date of payment of each of
25 the two semi-annual bonuses following the entry of judgment in this matter, a declaration made
26 under penalty of perjury guaranteeing that Costco has made the semi-annual bonus payment in full
27 compliance with the foregoing, setting forth sufficient information to allow Plaintiffs' counsel and
28 the Court to discern if Costco has paid the bonuses in compliance with this Order.

