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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA
SAN JOSE DIVISION**

IN RE HP PRINTER FIRMWARE UPDATE
LITIGATION

Case No. 5:16-cv-05820-EJD-SVK

~~[PROPOSED]~~ **FINAL ORDER AND
JUDGMENT**

1 This matter came before the Court for hearing pursuant to the Order Preliminarily Approving
2 Class Action Settlement and Providing for Notice, dated November 19, 2018 (“Preliminary Approval
3 Order”), on the motion of Plaintiffs for approval of the proposed class action settlement (the
4 “Settlement”) with Defendant HP Inc. (“HP”). Due and adequate notice has been given of the
5 Settlement as required by the Preliminary Approval Order. The Court has considered Plaintiffs’
6 Motion for Final Approval of Class Action Settlement, and the Court having considered all papers
7 filed and proceedings conducted herein, and good cause appearing therefor, it is hereby ORDERED,
8 ADJUDGED and DECREED as follows:

9 1. This Final Order and Judgment incorporates by reference the definitions in the
10 Settlement Agreement with HP dated September 18, 2018 (the “Agreement”), and all defined terms
11 used herein have the same meanings ascribed to them in the Agreement.

12 2. This Court has jurisdiction over the subject matter of this litigation and over all Parties
13 thereto.

14 3. The Court reaffirms its findings, rendered in the Preliminary Approval Order, that for
15 purposes of the Settlement, all prerequisites for maintenance of a class action set forth in Federal Rules
16 of Civil Procedure 23(a) and (b)(3) are satisfied. The Court hereby makes final its appointments of
17 Class Counsel and Class Representatives and its preliminary certification of the Settlement Class
18 consisting of all Persons who own or owned one or more of the following printers:

- 19 • HP OfficeJet Pro 6230
- 20 • HP OfficeJet 6812
- 21 • HP OfficeJet 6815
- 22 • HP OfficeJet 6820
- 23 • HP OfficeJet Pro 6830
- 24 • HP OfficeJet Pro 6835
- 25 • HP OfficeJet Pro 8610
- 26 • HP OfficeJet Pro 8615
- 27 • HP OfficeJet Pro 8616
- 28 • HP OfficeJet Pro 8620

- 1 • HP OfficeJet Pro 8625
- 2 • HP OfficeJet Pro 8630
- 3 • HP OfficeJet Pro X551dw
- 4 • HP OfficeJet Pro X451dn
- 5 • HP OfficeJet Pro X451dw
- 6 • HP OfficeJet Pro X576dw
- 7 • HP OfficeJet Pro X476dn
- 8 • HP OfficeJet Pro X476dw

9 Excluded from the Class are HP, its officers, directors, and affiliates at all relevant times, members of
10 their immediate families and their legal representatives, heirs, successors or assigns, and any entity in
11 which HP had or has a controlling interest. Also excluded from the Class are those Persons who
12 timely and validly request exclusion.

13 4. Pursuant to Federal Rule of Civil Procedure 23(e), the Court hereby grants final
14 approval of the Settlement and finds that it is, in all respects, fair, reasonable, and adequate and in the
15 best interests of the Settlement Class.

16 5. The Court finds that notice of this Settlement was given to Class Members in accordance
17 with the Preliminary Approval Order and constituted the best notice practicable of the proceedings and
18 matters set forth therein, including the Settlement, to all Persons entitled to such notice, and that this
19 notice satisfied the requirements of Federal Rule of Civil Procedure 23 and of due process.

20 6. The Court directs the Parties and the Claims Administrator to implement the Settlement
21 according to its terms and conditions, including the Plan of Allocation.

22 7. Upon the Effective Date, Plaintiffs and all Settlement Class Members shall be deemed to
23 have, and by operation of this Judgment shall have, fully, finally, and forever released, relinquished,
24 and discharged HP from all Released Claims. Upon the Effective Date, HP shall be deemed to have,
25 and by operation of this Judgment shall have, fully, finally, and forever released, relinquished, and
26 discharged Plaintiffs and all Settlement Class Members from all Released Claims.

27 8. Neither Class Counsel's application for attorneys' fees, reimbursement of litigation
28 expenses, and service awards for Plaintiffs, nor any order entered by this Court thereon, shall in any

1 way disturb or affect this Judgment, and all such matters shall be considered separate from this
2 Judgment.

3 9. Neither the Settlement, nor any act performed or document executed pursuant to or in
4 furtherance of the Settlement or its associated agreements, is or may be deemed to be or may be used
5 as an admission of, or evidence of, (a) the validity of any Released Claim, (b) any wrongdoing or
6 liability of HP, or (c) any fault or omission of HP in any proceeding in any court, administrative
7 agency, arbitral forum, or other tribunal.

8 10. Without affecting the finality of this Judgment, this Court reserves exclusive jurisdiction
9 over all matters related to administration, consummation, enforcement, and interpretation of the
10 Settlement, its associated agreements, and this Final Order, including (a) distribution or disposition of
11 the Settlement Fund; (b) further proceedings, if necessary, on the application for attorneys' fees,
12 reimbursement of litigation expenses, and service awards for Plaintiffs; and (c) the Settling Parties for
13 the purpose of construing, enforcing, and administering the Settlement. If HP fails to fulfill its
14 obligations under the Settlement, the Court retains authority to vacate the provisions of this Judgment
15 releasing, relinquishing, and discharging the Released Claims.

16 11. If the Settlement does not become effective under the terms of the Agreement, then this
17 Judgment shall be rendered null and void to the extent provided by and in accordance with the
18 Agreement and shall be vacated and, in such event, all orders entered and releases delivered in
19 connection herewith shall be null and void to the extent provided by and in accordance with the
20 Agreement.

21 12. The Action is hereby dismissed, with prejudice.

22 **IT IS SO ORDERED.**

23
24 DATED: April 25, 2019



25 HON. EDWARD J. DAVILA
26 UNITED STATES DISTRICT JUDGE
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