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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Terry P. Boyd, Ethel Joann Parks, Sonia Medina, Linda Zanko, and Victor Galaz individually, on behalf of others similarly situated, and on behalf of the general public,

Plaintiffs,

vs.

Bank of America Corp.; LandSafe, Inc.; LandSafe Appraisal Services, Inc.; and DOES 1-10, inclusive

Defendants.

SA
Case No.: 13-CV-00561 DOC (JPRx)

~~PROPOSED~~ ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF PARTIAL CLASS ACTION SETTLEMENT [166]

Date: May 12, 2014
Time: 8:30 a.m.
Place: Courtroom 9D, Santa Ana
Hon. David O. Carter

The Parties came for hearing on Plaintiffs' Unopposed Motion for Preliminary Approval of Partial Class Action Settlement on ~~May 12, 2014~~ ^{June 23, 2014} at 8:30 a.m. in the District Court for the Central District of California, the Honorable David O. Carter presiding. The Court, having considered the papers submitted in support of the application of the Parties, HEREBY ORDERS THE FOLLOWING:

~~Proposed~~ ORDER GRANTING UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF PARTIAL CLASS ACTION SETTLEMENT; 13-CV-00561 DOC (JPRx)

1 1. To the extent terms in this Order are defined in the Joint Stipulation for
2 Settlement and Release of Class and Collective Action Claims of Review Appraisers
3 (the “Settlement Agreement”), submitted to the Court as Exhibit 1 to the Declaration of
4 Bryan J. Schwartz, Esq., such terms shall have the same meanings in this Order as in
5 the Settlement Agreement.

6 2. For settlement purposes only, the Court grants class certification to the
7 proposed class of California Review Appraisers, appoints named Plaintiff Victor Galaz
8 as Class Representative, and appoints Bryan Schwartz Law and Schonbrun DeSimone
9 Seplow Harris & Hoffman LLP as Class Counsel. I find counsel is experienced in
10 representing plaintiffs in such matters and the named Plaintiff has no known conflicts
11 with the Class and worked in the Review Appraiser position at issue during the relevant
12 period.

13 3. The Court grants preliminary approval of the Settlement based upon the
14 terms set forth in the Settlement Agreement and the preliminary approval Motion, and
15 based upon the Schwartz Declaration in support of the agreement, and all of the
16 briefing and information submitted in this case to date. The Settlement appears to be
17 fair, adequate and reasonable to the Class.

18 4. The Settlement is supported by the recommendations of counsel and was
19 negotiated at arm’s length, and is thus presumptively valid, subject to any objections
20 that may be raised at the final fairness hearing, and to final approval by this Court.

21 5. To comply with the Ninth Circuit’s decision in *In re Bluetooth Headset*
22 *Litigation*, 654 F.3d 935 (9th Cir. 2011), Class Counsel will file their motion for fees
23 and costs more than 15 days before the final approval motion deadline, on or before
24 September 19, 2014.

25 6. A final fairness hearing on whether the proposed Settlement, attorneys’
26 fees to Class Counsel, the Class Representative’s enhancement payment, and the *cy*
27 *pres* recipient should be approved as fair, reasonable and adequate as to the members of
28 the Settlement Class will be held on November 10, 2014, at 8:30 a.m., in the

1 Courtroom of the Hon. David O. Carter, Courtroom 9D, U.S. District Court for the
2 Central District of California, Santa Ana Division.

3 7. The Court approves, as to form and content, the Notice of Class Action
4 Settlement to California Review Appraisers (“California Notice”) and the Notice of
5 Class Action Settlement to Non-California Review Appraisers (“Non-California
6 Notice”) attached to the Settlement Agreement as Exhibit A. The Court also approves
7 the Opt-In Form for Non-California Review Appraisers attached to the Settlement
8 Agreement as Exhibit B. The Court approves the procedure for Class Members to
9 participate in, opt out of, and object to the Settlement as set forth in the Notices.

10 8. The Court directs the mailing of the Notices and the Opt-In Form in
11 accordance with the Implementation Schedule set forth below. The Court finds that the
12 dates selected for the mailing and distribution of the Notice and Opt-In Form meet the
13 requirements of due process, provide the best notice practicable under the
14 circumstances and shall constitute due and sufficient notice to all persons entitled to
15 notice of the proposed settlement.

16 9. The Court appoints Kurtzman Carson Consultants (KCC) as the settlement
17 administrator, based on Counsel’s declaration, testifying that KCC has experience with
18 similar matters and offered the most competitive bid from among several claims
19 administrators.

20 10. The Court orders the following Implementation Schedule for further
21 proceedings:

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| 22 Deadline for Defendants to provide Class data to Claims Administrator | 20 days after Court enters an order granting preliminary approval. July 14, 2014 |
| 23 Deadline for Claims Administrator to calculate Net Pro Rata Distribution. | 10 days after receiving Class data. July 24, 2014 |
| 24 Deadline for Parties’ Counsel to review calculations | 7 days after receiving Net Pro Rata Distribution. July 31, 2014 |
| 25 Deadline for Claims Administrator to Mail the Notice and the Opt-in and Claim Form to Class Members | 5 days after receiving approval of calculations from Counsel. August 5, 2014 |

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| 1 Deadline for California Class Members to opt 2 out or serve written objections to the 3 settlement; deadline for Non-California Class 4 Members to Postmark Claim Forms. | 60 days after Notice of Proposed Class Action Settlement and Opt-in and Claim Form are mailed by the Claims Administrator. October 6, 2014 |
| 5 Deadline for Class Counsel to file fee petition. | 15 days before the expiration of the 60 day period to file Opt-in and Claim Forms. September 19, 2014 |
| 7 Deadline for Class Counsel to file 8 Motion for Final Approval of Settlement, 9 Motion for Attorneys' Fees, Costs, and Enhancement Award | 5 Days after the Expiration of the 60 Day Period to File Opt-in and Claim Forms October 13, 2014 |
| 10 Final Fairness Hearing and Final 11 Approval | At least [120] days after preliminary approval, or <u>November 10, 2014</u> |

13
14 IT IS SO ORDERED

15 DATED: June 23, 2014
 16 ~~May xxx, 2014~~

David O. Carter

17 HON. DAVID O. CARTER
 18 UNITED STATES DISTRICT COURT