

**COPY**

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SUPERIOR COURT  
SAN BERNARDINO COUNTY

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2 Arby Aiwazian (SBN 269827)  
3 Joanna Ghosh (SBN 272479)  
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19 Attorneys for Defendant  
20 CROWN TECHNICAL SYSTEMS

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
22 FOR THE COUNTY OF SAN BERNARDINO

23 JESSE FRANCIA, JR.; individually, and on  
24 behalf of other members of the general public  
25 similarly situated; TERRENCE ESTES;  
26 individually, and on behalf of other members of  
27 the general public similarly situated; CHAD  
28 FISHER; individually, and on behalf of other  
members of the general public similarly situated  
and on behalf of other aggrieved employees  
pursuant to the California Private Attorneys  
General Act; GERARDO OROZCO; individually,  
and on behalf of other members of the general  
public similarly situated,

Plaintiffs,

vs.

CROWN TECHNICAL SYSTEMS, a California  
corporation; and DOES 1 through 100, inclusive,

Defendants.

CASE NO.: CIVDS1508984

*[Assigned for All Purposes to the Hon. Gilbert G. Ochoa]*

**JOINT STIPULATION MODIFYING  
SETTLEMENT ADMINISTRATION  
PROCEDURE; [PROPOSED] ORDER  
THEREON**

Complaint Filed: June 25, 2015

1 Plaintiffs Jesse Francia, Jr., Terrence Estes, Chad Fisher, and Gerardo Orozco (“Plaintiffs”) and  
2 Defendant Crown Technical Systems (“Defendant”), through their respective attorneys of record, hereby  
3 stipulate and agree as follows:

4 **WHEREAS**, Plaintiffs and Defendant (collectively, the “Parties”) reached a class-wide  
5 settlement and executed the Joint Stipulation of Class Action Settlement and Release (“Settlement  
6 Agreement” or “Settlement”) on September 15, 2016.

7 **WHEREAS**, and upon Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement,  
8 on April 6, 2017, the Court entered an Order Granting Preliminary Approval of Class Action Settlement  
9 (“Preliminary Approval Order”), which preliminarily approves the Settlement Agreement and  
10 conditionally certifies the following Class for settlement purposes only:

11 All persons employed in California by Defendant as current or former  
12 hourly-paid or non-exempt employees, at any time during the period  
13 between June 25, 2011 through April 6, 2017 (“Class Members”);

14 **WHEREAS**, the Court’s Preliminary Approval Order also appointed Plaintiffs Jesse Francia,  
15 Jr., Terrence Estes, Chad Fisher, and Gerardo Orozco as Class Representatives, appointed Lawyers *for*  
16 Justice, PC as Class Counsel, appointed Simpluris, Inc. (“Simpluris”) as the class action settlement  
17 administrator (“Claims Administrator”), approved the notice, claims, and settlement procedures set forth  
18 in the Settlement Agreement, and set a Final Approval Hearing for October 11, 2017 at 8:30 a.m. in  
19 Department S33;

20 **WHEREAS**, on May 19, 2017, Simpluris mailed the Court-approved Notice of Class Action  
21 Settlement, Claim Form, in the Court-approved Mailing Envelope (together “Notice Packet”) to 608  
22 Class Members (“Non-Omitted Class Members”);

23 **WHEREAS**, based on the mailing of the Notice Packet on May 19, 2017, the Non-Omitted  
24 Class Members’ deadline to submit a Claim Form, dispute the number of Workweeks credited or the  
25 estimated Settlement Share, or Request for Exclusion to Simpluris, or to file a Notice of Objection with  
26 the Court and serve it on the Parties, was July 18, 2017 (“Response Deadline”);

27 ///

28 ///

1           **WHEREAS**, Defendant recently learned that, due to an inadvertent error, sixty (60) Class  
2 Members were not included in the Class List (“Omitted Class Members”) that was provided by  
3 Defendant to Simpluris, and thus were not mailed a Notice Packet;

4           **WHEREAS**, the Parties have met and conferred regarding the inadvertent failure to include the  
5 Omitted Class Members in the Class List;

6           **THEREFORE**, subject to this Court’s approval, **THE PARTIES HEREBY STIPULATE** to  
7 an Order by the Court as follows:

8           1.       Defendant shall produce a revised Class List to Simpluris within ten (10) calendar days of  
9 an order approving this Stipulation, which contains the information of all Omitted Class Members;

10          2.       Simpluris shall calculate the estimated Settlement Share of the Omitted Class Members  
11 using the same dollar value of \$11.39 per Workweek, which was used to calculate the estimated  
12 Settlement Share of the Non-Omitted Class Members, and the Settlement Share to be paid to all  
13 Claimants shall total at least sixty (60%) of the Net Settlement Amount;

14          3.       Within ten (10) calendar days of receiving the revised Class List, Simpluris shall perform  
15 a search of the National Change of Address Database or any other similar services available, such as  
16 provided by Experian, to update and correct the Omitted Class Members’ addresses for any known or  
17 identifiable address changes, and mail the Notice Packet to all Omitted Class Members;

18          4.       Omitted Class Members’ deadline to submit a Claim Form, dispute the number of  
19 Workweeks credited or the estimated Settlement Share, or Request for Exclusion to Simpluris, or to file  
20 a Notice of Objection with the Court and serve it on the Parties, shall be on or before the date that is  
21 sixty (60) calendar days from the date on which the Claims Administrator mails the Notice Packet to the  
22 Omitted Class Members, unless the 60th day falls on a Sunday or Federal holiday, in which case the  
23 Response Deadline will be extended to the next day on which the U.S. Postal Service is open after the  
24 Notice Packet is mailed to the respective Class Member (“Extended Response Deadline”);

25          5.       Not earlier than twenty (20) days or later than thirty (30) days after the date on which the  
26 Claims Administrator mails the Notice Packet to the Omitted Class Members, the Claims Administrator  
27 will send a Reminder Postcard to all Omitted Class Members who have not returned a Claim Form or a  
28

1 Request for Exclusion. All Reminder Postcards will include the Extended Response Deadline and the  
2 contact information for Class Counsel and the Claims Administrator;

3 6. If a Notice Packet that is mailed to an Omitted Class Member is returned to Simpluris as  
4 non-deliverable on or before the Extended Response Deadline, Simpluris shall promptly re-mail the  
5 Notice Packet to the forwarding address affixed thereto (if any) or, if no forwarding address is available,  
6 to an updated address obtained by Simpluris through a skip-trace;

7 7. Omitted Class Members who are re-mailed a Notice Packet either because the Notice  
8 Packet was returned or because the Omitted Class Member requested that the Notice Packet be re-  
9 mailed to him or her will have until the later of (a) the Extended Response Deadline or (b) fifteen (15)  
10 additional calendar days to postmark or fax a Claim Form or Request for Exclusion, or file and serve an  
11 objection to the Settlement;

12 8. If a Omitted Class Member's Claim Form or Request for Exclusion is defective as to the  
13 requirements set forth in the Settlement Agreement, Simpluris shall mail the Omitted Class Member a  
14 cure letter within three (3) business days of receiving the defective submission to advise the Omitted  
15 Class Member that his or her submission is defective and that the defect must be cured to render the  
16 Claim Form or Request for Exclusion valid, and the Omitted Class Member will have until the later of  
17 (a) the Extended Response Deadline or (b) fifteen (15) calendar days from the date of the cure letter to  
18 postmark or fax a revised Claim Form or Request for Exclusion. If a Class Member responds to a Cure  
19 Letter by filing a defective Claim Form or Request for Exclusion, then the Claims Administrator will  
20 have no further obligation to give notice of a need to cure;

21 9. All complete Claim Forms submitted by Non-Omitted Class Members, that are  
22 postmarked after the Response Deadline but before the date of on which an order approving this  
23 Stipulation is entered, shall be deemed timely and valid;

24 10. The Final Approval Hearing that is scheduled for October 11, 2017 at 8:30 a.m. in  
25 Department S33, shall be re-set to a date in late December 2017, or a later date convenient to the Court;

26 11. Posting of the order approving this Stipulation, on Simpluris' website, up to and  
27 including the date of the re-set Final Approval Hearing date, shall constitute adequate notice to the Class  
28 Members of this Stipulation and of the re-set Final Approval Hearing date, and no additional notice is

1 required to be provided to the Class Members, except as otherwise provided by this Stipulation and the  
2 order approving this Stipulation;

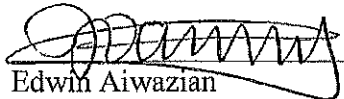
3 12. The Notice Packet that is mailed to Omitted Class Members shall clearly state the  
4 Extended Response Deadline and the continued hearing date of the Final Approval Hearing;

5 13. Plaintiffs' motion(s) in support of (i) final approval of the class settlement and (ii) an  
6 award of attorneys' fees and litigation expenses shall be filed pursuant to California Code of Civil  
7 Procedure section 1005(b), and shall be heard at the continued Final Approval Hearing; and

8 **IT IS SO STIPULATED.**

9 Dated: August 8, 2017

LAWYERS FOR JUSTICE, P.C.

10  
11 By:   
Edwin Aiwazian  
Joanna Ghosh

12  
13 Attorneys for Plaintiffs  
JESSE FRANCIA, JR., TERRENCE ESTES,  
CHAD FISHER, and GERARDO OROZCO

14 Dated: August 9, 2017

JACKSON LEWIS P.C.

15  
16  
17 By:   
Yvonne Arvanitis Fossati  
Hazel U. Poei

18 Attorneys for Defendant  
CROWN TECHNICAL SYSTEMS

19  
20 **[PROPOSED] ORDER**

21 The Court, having reviewed the parties' Stipulation, orders as follows:

- 22 1. The parties' Stipulation is approved;
- 23 2. Defendant shall produce a revised Class List to Simpluris within ten (10) calendar days of  
24 this Order, which contains the information of all Omitted Class Members.
- 25 3. Simpluris shall calculate the estimated Settlement Share of the Omitted Class Members  
26 using the same dollar value of \$11.39 per Workweek, which was used to calculate the estimated  
27 Settlement Share of the Non-Omitted Class Members, and the Settlement Share to be paid to all  
28 Claimants shall total at least sixty (60%) of the Net Settlement Amount.

1           4.       Within ten (10) calendar days of receiving the revised Class List, Simpluris shall perform  
2 a search of the National Change of Address Database or any other similar services available, such as  
3 provided by Experian, to update and correct the Omitted Class Members' addresses for any known or  
4 identifiable address changes, and mail the Notice Packet to all Omitted Class Members.

5           5.       Omitted Class Members' deadline to submit a Claim Form, dispute the number of  
6 Workweeks credited or the estimated Settlement Share, or Request for Exclusion to Simpluris, or to file  
7 a Notice of Objection with the Court and serve it on the Parties, shall be on or before the date that is  
8 sixty (60) calendar days from the date on which the Claims Administrator mails the Notice Packet to the  
9 Omitted Class Members, unless the 60th day falls on a Sunday or Federal holiday, in which case the  
10 Response Deadline will be extended to the next day on which the U.S. Postal Service is open after the  
11 Notice Packet is mailed to the respective Class Member ("Extended Response Deadline").

12           6.       Not earlier than twenty (20) days or later than thirty (30) days after the date on which the  
13 Claims Administrator mails the Notice Packet to the Omitted Class Members, the Claims Administrator  
14 will send a Reminder Postcard to all Omitted Class Members who have not returned a Claim Form or a  
15 Request for Exclusion. All Reminder Postcards will include the Extended Response Deadline and the  
16 contact information for Class Counsel and the Claims Administrator.

17           7.       If a Notice Packet that is mailed to a Omitted Class Member is returned to Simpluris as  
18 non-deliverable on or before the Extended Response Deadline, Simpluris shall promptly re-mail the  
19 Notice Packet via regular First-class U.S. Mail to the forwarding address affixed thereto (if any) or, if no  
20 forwarding address is available, to an updated address obtained by Simpluris through a skip-trace.

21           8.       Omitted Class Members who are re-mailed a Notice Packet either because the Notice  
22 Packet was returned or because the Omitted Class Member requested that the Notice Packet be re-  
23 mailed to him or her will have until the later of (a) the Extended Response Deadline or (b) fifteen (15)  
24 additional calendar days to postmark or fax a Claim Form or Request for Exclusion, or file and serve an  
25 objection to the Settlement.

26           9.       If a Omitted Class Member's Claim Form or Request for Exclusion is defective as to the  
27 requirements set forth in the Settlement Agreement, Simpluris shall mail the Omitted Class Member a  
28 cure letter within three (3) business days of receiving the defective submission to advise the Omitted

1 Class Member that his or her submission is defective and that the defect must be cured to render the  
2 Claim Form or Request for Exclusion valid, and the Omitted Class Member will have until the later of  
3 (a) the Extended Response Deadline or (b) fifteen (15) calendar days from the date of the cure letter to  
4 postmark or fax a revised Claim Form or Request for Exclusion. If a Class Member responds to a Cure  
5 Letter by filing a defective Claim Form or Request for Exclusion, then the Claims Administrator will  
6 have no further obligation to give notice of a need to cure.

7 10. All complete Claim Forms submitted by Non-Omitted Class Members, that are  
8 postmarked after the Response Deadline but before the date of this Order, shall be deemed timely and  
9 valid.

10 11. The Final Approval Hearing that is scheduled for October 11, 2017 at 8:30 a.m. in  
11 Department S33, shall be re-set to January 17, 2018, or a later date convenient to the Court.

12 12. Posting of the order approving this Stipulation, on Simpluris' website, up to and  
13 including the date of the re-set Final Approval Hearing date, shall constitute adequate notice to the Class  
14 Members of this Stipulation and of the re-set Final Approval Hearing date, and no additional notice is  
15 required to be provided to the Class Members, except as otherwise provided by the Stipulation and this  
16 Order.

17 13. The Notice Packet that is mailed to Omitted Class Members shall clearly state the  
18 Extended Response Deadline and the continued hearing date of the Final Approval Hearing.

19 14. Plaintiffs' motion(s) in support of (i) final approval of the class settlement and (ii) an  
20 award of attorneys' fees and litigation expenses shall be filed pursuant to California Code of Civil  
21 Procedure section 1005(b), and shall be heard at the continued Final Approval Hearing.

22  
23 Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Gilbert G. Ochoa  
Superior Court Judge

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26  
27 4840-9772-7052, v. 1