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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **IN AND FOR THE COUNTY OF ALAMEDA**

19 MANUEL CABRAL, on behalf of
20 himself, all others similarly situated, and
21 on behalf of the general public

22 Plaintiffs,

23 v.

24 NUMARK TRANSPORTATION, INC.;;
25 and DOES 1-100, inclusive,

26 Defendants.

Case No. RG17852307

*[Assigned For All Purposes To Judge Michael M.
Markman Department 16]*

**STIPULATION TO MODIFY DISPOSITION
OF UNCASHED SETTLEMENT CHECKS;
[PROPOSED] ORDER**

Reservation No: R-2020382

Date: January 29, 2019

Time: 9:00 a.m.

Dept: 16

Judge: Hon. Michael M. Markman

Complaint Filed: March 9, 2017

Trial Date: None Set

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NUMARK TRANSPORTATION, INC.

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1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiffs Manuel Cabral and Bunphot Prasertsith (“Plaintiffs”) and Defendant Numark
3 Transportation, Inc. (“Defendant”) (collectively, the “Parties”), by and through their respective
4 counsel of record, respectfully submit the following Stipulation:

5 WHEREAS, Plaintiffs’ moved for Preliminary Approval of Class Action Settlement on
6 January 8, 2019;

7 WHEREAS, the Preliminary Approval Hearing is set for January 29, 2019 at 9:00 a.m.;

8 WHEREAS, pursuant to the Joint Stipulation and Settlement Agreement (“Settlement”),
9 any uncashed funds are to be sent to the Department of Industrial Relations (“DIR”) Unclaimed
10 Wages Fund;

11 WHEREAS, the Parties were recently informed by their settlement administrators that the
12 DIR Unclaimed Wages Fund no longer accepts uncashed funds from settlements;

13 WHEREAS, in light of the foregoing, the Parties propose that the Class Notice be modified
14 and request an order that all Individual Settlement Payment Checks that are not cashed within the
15 180-Day Period be distributed as follows: twenty-five percent (25%) to the State Treasury for
16 deposit into the Trial Court Improvement and Modernization Fund and seventy-five percent (75%)
17 to the State Treasury for deposit into the Equal Access Fund of the Judicial Branch;

18 WHEREAS, this matter was recently reassigned to Department 16, and the Class Notice
19 and the Proposed Order Granting Preliminary Approval of Class Action Settlement have been
20 revised to reflect the reassignment;

21 NOW, THEREFORE, the Parties HEREBY STIPULATE AND REQUEST as follows:

22 1. That any Settlement funds remaining uncashed after the 180-day check-cashing
23 deadline shall be distributed as follows: twenty-five (25%) to the State Treasury for deposit into
24 the Trial Court Improvement and Modernization Fund and seventy-five (75%) to the State
25 Treasury for deposit in the Equal Access Fund of the Judicial Branch.

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