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Class*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 ADAM HOFFMAN, and SAMUEL JASON,  
11 Individually and on Behalf of All Others  
12 Similarly Situated,

13 Plaintiffs,

14 v.

15 CITY OF LOS ANGELES,  
16 Defendant.

Case No. BC672326

**~~PROPOSED~~ ORDER GRANTING  
MOTION FOR DISTRIBUTION OF NET  
SETTLEMENT FUND**

Judge Stuart M. Rice

Date of Hearing: October 15, 2024  
Time: 10:30 a.m.  
Dept: SSC-1  
Action Filed: August 15, 2017

**FILED**  
Superior Court of California  
County of Los Angeles  
08/13/2024

David W. Slayton, Executive Officer / Clerk of Court

By:                     A. He                     Deputy

1 Plaintiffs Adam Hoffman and Samuel Jason (collectively, “Plaintiffs”)<sup>1</sup> having filed a Motion for  
2 Distribution of Net Settlement Fund, this Court having considered all the papers filed in connection with  
3 such motion, and good cause appearing:

4 IT IS HEREBY ORDERED that:

5 1. The Distribution Plan set forth in the Nordskog Declaration is approved as fair and  
6 reasonable.

7 2. The administrative determinations of A.B. Data accepting Claims as set forth in the  
8 Nordskog Declaration, including Claims postmarked after September 24, 2023, through and including  
9 April 15, 2024, are approved and such Claims are accepted.

10 3. The administrative determinations of A.B. Data rejecting the Claims, indicated on Exhibit  
11 B to the Nordskog Declaration are approved and such Claims are rejected; and any Claims received after  
12 April 15, 2024, are, and shall be, rejected.

13 4. The balance of the Net Settlement Fund (after deducting payments previously allowed  
14 and those approved herein) shall be distributed to the eligible Authorized Claimants listed on Exhibits A  
15 and C to the Nordskog Declaration, in accordance with the Distribution Plan (the “Initial Distribution”).

16 5. The payments to be distributed to the accepted Authorized Claimants shall bear the  
17 notation “DEPOSIT PROMPTLY; VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT  
18 NEGOTIATED WITHIN 90 DAYS OF ISSUE DATE.” Plaintiffs’ Counsel and A.B. Data are  
19 authorized to take appropriate actions to locate and/or contact any eligible Authorized Claimant who has  
20 not cashed his, her, or its distribution within said time.

21 6. If there is any balance remaining in the Net Settlement Fund after at least six (6) months  
22 after the Initial Distribution (whether by reason of tax refunds, uncashed checks, or otherwise), then, if  
23 Plaintiffs’ Counsel, in consultation with A.B. Data, determine that it is cost-effective to do so, A.B. Data

24 \_\_\_\_\_  
25 <sup>1</sup> Unless otherwise defined, all capitalized terms herein have the same meanings as set forth in: (i) the  
26 First Amended Class Action Settlement Agreement and Stipulation dated May 30, 2023 (the  
27 “Stipulation”), attached as Ex. 1 to the Supplemental Declaration of Jonathan M. Rotter in Support of  
28 Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on May 30,  
2023; or (ii) the concurrently filed Declaration of Eric Nordskog in Support of Plaintiffs’ Unopposed  
Motion for Class Distribution Order (“Nordskog Declaration”), submitted on behalf of the Court-  
approved Claims Administrator, A.B. Data, Ltd. (“A.B. Data” or “Claims Administrator”).

1 will conduct a re-distribution of the Net Settlement Fund (the “Second Distribution”). Any amounts  
2 remaining in the Net Settlement Fund after the Initial Distribution, after deducting A.B. Data’s fees and  
3 expenses incurred in connection with administering the Settlement for which it has not yet been paid  
4 (including the estimated costs of such Second Distribution), and after deducting the payment of any  
5 estimated Taxes, the costs of preparing appropriate tax returns, and any escrow fees, will be distributed  
6 to all Authorized Claimants in the Initial Distribution who cashed their distribution checks and would  
7 receive at least \$10.00 from the Second Distribution.

8 7. Additional re-distributions to Authorized Claimants who have cashed their prior checks  
9 and would receive at least \$10.00 on such additional re-distributions will continue if Class Counsel, in  
10 consultation with A.B. Data, determine that such re-distributions will be cost-effective, after deducting  
11 A.B. Data’s fees and expenses incurred in connection with administering the Settlement for which it has  
12 not yet been paid (including the estimated costs of such further distribution), and after deducting the  
13 payment of any estimated Taxes, the costs of preparing appropriate tax returns, and any escrow fees.

14 8. At such time as Class Counsel, in consultation with A.B. Data, determines that further re-  
15 distribution of the funds remaining in the Net Settlement Fund is not cost-effective, the remaining  
16 balance of the Net Settlement Fund, after payment of any unpaid Notice and Administration Expenses,  
17 Taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be distributed in equal  
18 amounts to Heal the Bay and LA Waterkeeper. In the event Heal the Bay and/or LA Waterkeeper are  
19 for any reason unable to accept the funds, the remaining balance shall be contributed to a non-sectarian,  
20 not-for-profit organization or organizations to be recommended by Plaintiffs’ Counsel in consultation  
21 with the City and approved by the Court, or distributed as otherwise approved by the Court.

22 9. The Court authorizes payment to the Claims Administrator of \$402,213.68 in anticipation  
23 of the work that will be performed in conjunction with the Initial Distribution.<sup>2</sup> Total Notice and  
24 Administration Costs shall be included in the Final Accounting provided for in the Court’s December  
25 20, 2023, Order Granting Final Approval of Class Action Settlement and Motion for Attorneys’ Fees,  
26 Reimbursement of Litigation Expenses, and Class Representative Service Awards.

27 <sup>2</sup> If the amount of anticipated fees and expenses to conduct the Initial Distribution is greater than the  
28 actual cost to conduct the distribution, the excess will be returned to the Net Settlement Fund.

1 10. All persons involved in the review, verification, calculation, tabulation, or any other  
2 aspect of the processing of the claims submitted herein, or otherwise involved in the administration or  
3 taxation of the Settlement Fund or the Net Settlement Fund, are released and discharged from any and  
4 all claims arising out of such involvement, and all Settlement Class Members and other Claimants,  
5 whether or not they are to receive payment from the Net Settlement Fund, are barred from making any  
6 further claim against the Net Settlement Fund, Plaintiffs, Plaintiffs' Counsel, the Claims Administrator,  
7 the Escrow Agent, or any other agent retained by Plaintiffs or Plaintiffs' Counsel in connection with the  
8 administration or taxation of the Settlement Fund or the Net Settlement Fund, or any other person  
9 released under the Settlement, beyond the amounts allocated to them pursuant to the terms of this Order,  
10 provided that such released persons acted in accordance with the Stipulation, the Judgment, and this  
11 Order.

12 11. A.B. Data is hereby authorized to destroy paper copies and all supporting documentation  
13 of the Proofs of Claim one year after the Second Distribution, if that occurs, or, if there is no Second  
14 Distribution, two years after the Initial Distribution, and that it be allowed to destroy the electronic  
15 copies of the Proofs of Claim and all supporting documentation, one year after all funds have been  
16 distributed.

17 12. This Court retains jurisdiction over any further application or matter which may arise in  
18 connection with this action.

19 SO ORDERED this Fth@ day of CE \* ~ • c, 2024



*Stuart M. Rice*

Stuart M. Rice / Judge

HON. STUART M. RICE  
Judge of the Superior Court