

1 Edwin Aiwazian (SBN 232943)
2 Arby Aiwazian (SBN 269827)
3 Joanna Ghosh (SBN 272479)
4 **LAWYERS for JUSTICE, PC**
5 410 West Arden Avenue, Suite 203
6 Glendale, California 91203
7 Tel: (818) 265-1020 / Fax: (818) 265-1021

8 HEATHER DAVIS, SBN 239372
9 heather@protectionlawgroup.com
10 **PROTECTION LAW GROUP, LLP**
11 237 California Street
12 El Segundo, California 90245
13 Tel: (424) 290-3095 / Fax: (866) 264-7880

14 *Attorneys for Plaintiff*

15 Michael Droke (SNM 162078)
16 **DORSEY & WHITNEY, LLP**
17 701 5th Avenue, Suite 6100
18 Seattle, Washington 9814
19 Tel: (206) 903-8800 / Fax: (206) 903-8820

20 Jessica Linehan (SBN 223569)
21 **DORSEY & WHITNEY, LLP**
22 600 Anton Boulevard, Suite 2000
23 Costa Mesa, California 92626
24 Tel: (714) 800-1400 / Fax: (714) 800-1499

25 *Attorneys for Defendants*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE

RONALD ACKER, individually, and on
behalf of other members of the general
public similarly situated;

Plaintiff,

vs.

RITCHIE BROS AUCTIONEERS
AMERICA INC., an unknown business
entity; RITCHIE BROS AUCTION, an
unknown business entity; and DOES 1
through 100, inclusive,

Defendants.

Case No.: VCU283076

Honorable David Mathias
Department 1

CLASS ACTION

**JOINT STIPULATION TO AMEND
RESPONSE DEADLINE IN JOINT
STIPULATION OF CLASS ACTION AND
PAGA SETTLEMENT**

Complaint Filed: June 4 2020
Trial Date: None Set

1 Plaintiff Ronald Acker (“Plaintiff”), individually, and on behalf of other members of the
2 general public similarly situated, and Defendants Ritchie Bros Auctioneers America Inc. and
3 Ritchie Bros Auction (“Defendants”) (the “Parties”), by and through their respective counsel of
4 record, hereby stipulate as follows:

5 **WHEREAS**, Plaintiff and Defendants entered into a Joint Stipulation of Class Action
6 and PAGA Settlement (the "Stipulation") on or about July 28, 2021.

7 **WHEREAS**, the Stipulation provides Class Members a “Response Deadline” of thirty-
8 five (35) days to submit Requests for Exclusion or Objections to the Settlement.

9 **WHEREAS**, following execution of the stipulation, the Parties became aware that the
10 Court has, in the past, viewed notice periods of less than sixty (60) days as unreasonably short.

11 **WHEREAS**, the Parties wish to provide the Class Members with a sufficient opportunity
12 to review and consider the Notice and determine whether they would like to participate, submit
13 objections to, or request to be excluded form the settlement.

14 **WHEREAS**, the Parties wish to conform with the Court’s standard practice of providing
15 putative Class Members at least sixty (60) days to make such decisions.

16 **WHEREAS**, Paragraph 70 of the Stipulation provides that "This Settlement
17 Agreement may be amended or modified only by a written instrument signed by counsel for
18 all Parties or their successors-in interest.”

19 **WHEREAS**, except as specifically modified the terms and conditions of the
20 Settlement Agreement shall remain unmodified and in full force and effect.

21 **NOW, THEREFORE**, the Parties hereby agree to amend and modify the Stipulation as
22 follows:

23 1. Paragraph 30 defining the “Response Deadline” shall be amended to as follows:
24 “Response Deadline” means the date *sixty (60)* days after the Settlement Administrator mails
25 the Class Notice to Settlement Class Members and the last date on which Settlement Class
26 Members may submit Requests for Exclusion, written objections to the Settlement, or workweek
27 disputes. In the event the *60th* day falls on a Sunday or Federal holiday, the Response Deadline
28 will be extended to the next day on which the U.S. Postal Service is open. The Response

1 Deadline for Requests for Exclusion or Objections will be extended ten (10) calendar days for
2 any Settlement Class Member who is re-mailed a Class Notice by the Settlement Administrator,
3 unless the 10th day falls on a Sunday or Federal holiday, in which case the Response Deadline
4 will be extended to the next day on which the U.S. Postal Service is open. The Response
5 Deadline may also be extended by express agreement between Class Counsel and Defendants.
6 Under no circumstances, however, will the Settlement Administrator have the authority to
7 unilaterally extend the deadline for Class Members to submit a Request for Exclusion or
8 objection to the settlement.

9 2. All references to the “Response Deadline” in the Stipulation and Notice shall be
10 amended to reflect the revised definition in Paragraph 30 of the Stipulation.

11
12 Date: September 22, 2021

PROTECTION LAW GROUP, LLP

13
14 By: 

Heather Davis
Attorneys for Plaintiff

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16
17 Date: September 20, 2021

DORSEY & WHITNEY, LLP

18
19 By: 

Michael Droke
Jessica Linehan
Attorneys for Defendants