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5 **PROTECTION LAW GROUP, LLP**
6 136 Main Street, Suite A
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8 Telephone: (424) 290-3095
9 Facsimile: (866) 264-7880

10 Attorneys for Plaintiff
11 BRIANA FERNANDEZ

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SEP 13 2019

BY Alma Vallejo Garcia
ALMA VALLEJO GARCIA, DEPUTY

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SAN BERNARDINO**

14 BRIANA FERNANDEZ, individually, and on
15 behalf of all others similarly situated, and the
16 general public,

17 Plaintiff,

18 vs.

19 SUMITOMO RUBBER NORTH AMERICA.
20 INC., a California corporation; and DOES 1
21 through 50, inclusive,

22 Defendants.

Case No.: CIVDS1803211

Hon. David Cohn
Dept. S26

NOTICE OF ENTRY OF ORDER

Complaint Filed: February 8, 2018
Trial Date: None

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**


2 PLEASE TAKE NOTICE that on August 14, 2019, the Honorable David Cohn, in
3 Department S26 in the above entitled Court, located at 247 West Third Street, San Bernardino,
4 California 92415, issued a Minute Order regarding the hearing on Motion for Final Approval.

- 5 1. On August 1, 2019, a Motion for Final Approval came on calendar, Amir Nayebdadash
6 appeared on behalf of Plaintiff Briana Fernandez and Boris Sorsher appeared on behalf
7 of Defendant Sumitomo Rubber North America, Inc. The Motion for Final Approval of
8 Class Action Settlement was Tentatively Approved, and a Supplemental Declaration
9 regarding Plaintiff's Attorneys' Costs was requested.
- 10 2. On August 9, 2019, Plaintiff filed a Supplemental Declaration regarding Plaintiff's
11 Attorneys' Costs in Support for Final Approval of the Class Action Settlement.
- 12 3. After reviewing the Supplemental Declaration, the Court awarded Plaintiff's costs
13 totaling \$12,823.28 and Approved the Class Action Settlement
- 14 4. Accordingly, the approved terms of the Class Action Settlement are as follows:
- 15 a. Defendant Sumitomo Rubber North America, Inc. shall pay \$212,500.00 ("Gross
16 Settlement Fund").
 - 17 b. The Court awards Class Counsel attorneys' fees in the amount of \$74,375.00 and
18 attorneys' costs in the amount \$12,823.28.
 - 19 c. The Court also approved and orders an Enhancement Award to Named Plaintiff
20 and Class Representative Briana Fernandez in the amount of \$5,000.00 from the
21 Gross Settlement Fund.
 - 22 d. The Court also approved and orders payment in the amount of \$750.00 (75 percent
23 of \$1,000.00) from the Gross Settlement Fund for PAGA penalties, which shall
24 be made payable to the California Labor Workforce Development Agency; the
25 remaining \$2500.00 (25 percent) shall remain included in the Net Settlement
26 Amount for distribution.
 - 27 e. The Court also approved and orders payment from the Gross Settlement Amount
28 for actual administration expenses incurred by the Settlement Administrator,
Phoenix Settlement Administrators, in the amount of \$7,500.00.

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- f. The Court also approved and orders that any Net Settlement Payment checks remaining un-cashed after one hundred and eighty (180) calendar days after being issued shall be void. The Settlement Administrator will remit the entire amount of any uncashed Net Settlement Payment checks to the California State Controller's Office pursuant to California's Unclaimed Property Law (Cal. Code Civ. Proc. §§1500 et seq. in the name of the Settlement Class Member to whom the uncashed Net Settlement Payment check was addressed.
5. Attached hereto as **Exhibit A** is a true and correct copy of the August 1, 2019 Minute Order.
6. Attached as **Exhibit B** is a true and correct copy of the August 14, 2019 Minute Orders.

DATED: September 13, 2019

By: 

Amir Nayebdadash
Heather Davis
Attorneys for Plaintiff
BRIANA FERNANDEZ

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EXHIBIT A

Minute Orders

[Home](#) [Complaints/Parties](#) [Actions](#) [Minutes](#) [Pending Hearings](#) [Case Report](#) [Images](#)

Case Type:

Case Number:

Case CIVDS1803211 - (COMPLEX)FERNANDEZ -V- SUMITOMO RUBBER

Action:

MOTION RE: FOR FINAL APPROVAL OF CLASS ACTION (071019) FILED BY PLAINTIFF BRIANA FERNANDEZ

08/01/2019 - 8:30 AM DEPT. S26

DAVID COHN, JUDGE
CLERK: ERIN MUELLER
COURT REPORTER VIVIAN TRISTAN 14244
COURT ATTENDANT CHRISTIAN HERNANDEZ

-

APPEARANCES:
ATTORNEY AMIR NAYEBDADASH PRESENT FOR PLAINTIFF.
ATTORNEY BORIS SORSHER PRESENT FOR DEFENDANT.

-

PROCEEDINGS:
PREDISPOSITION HEARING HELD

-

MOTION
BRIANA FERNANDEZ'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT IS HEARD.
TERMS OF THE PROPOSED SETTLEMENT IS RECITED INTO THE RECORD.
AFTER DISCUSSION,
COURT FINDS:
MOTION IS TENTATIVELY APPROVED.
COUNSEL FOR PLAINTIFF TO SUBMIT A DECLARATION REGARDING COSTS. COUNSEL INDICATES HE WILL
SUBMIT THE DECLARATION NO LATER THAN 8/9/19.
MATTER TAKEN UNDER SUBMISSION.
NOTICE WAIVED.
ACTION - COMPLETE
=== MINUTE ORDER END ===

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EXHIBIT B

COUNTY OF SAN BERNARDINO SUPERIOR COURT
STATE OF CALIFORNIA
MINUTE ORDER

CASE NO: CIVDS1803211 DATE: 08/14/19

CASE TITLE: (COMPLEX) FERNANDEZ -V- SUMITOMO RUBBER

DEPT: S26 08/14/19 TIME: 3:30
Hearing Re: COURT'S ORDER RE: APPROVE COSTS/SET FINAL DIST HRG

COMPLAINT TYPE: EMPC

DAVID COHN, JUDGE

Clerk: Wimala Blanchard

Not reported

-

APPEARANCES:

No appearance required.

-

PROCEEDINGS:

Predisposition Hearing Held

Upon review of supplemental declaration of Amir Nayebdadash in support of motion for final approval of class action settlement, court approves the amount of \$12,823.28 in costs. Court furthers sets a hearing for status of final distribution on 02/18/21.

-

HEARINGS:

Hearing re: STATUS OF FINAL DISTRIBUTION set for 02/18/21 at 8:30 in Department S26.

Notice given by Judicial Assistant

Correspondence coversheet generated to mail COPY OF MINUTE ORDER 8/14/19 to counsel of record.

Action - Complete

=== MINUTE ORDER END ===

=== MINUTE ORDER END ===

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER
247 W. 3RD ST
SAN BERNARDINO, CA 92415-0210

CASE NO: CIVDS1803211

PROTECTION LAW GROUP, LLP
136 MAIN STREET
SUITE A
EL SEGUNDO CA 90245

I M P O R T A N T C O R R E S P O N D E N C E

From the above entitled court, enclosed you will find:

COPY OF MINUTE ORDER 8/14/19

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above listed notice:

- Enclosed in a sealed envelope mailed to the interested party addressed above, for collection and mailing this date, following standard Court practices.
- Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above, or as shown on the attached listing.
- A copy of this notice was given to the filing party at the counter
- A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file stamped documents.

Date of Mailing: 08/14/19

I declare under penalty of perjury that the foregoing is true and correct. Executed on 08/14/19 at San Bernardino, CA

BY: WIMALA BLANCHARD

M A I L I N G C O V E R S H E E T

1 Heather Davis (SBN 239372)
2 heather@protectionlawgroup.com
3 Amir Nayebdadash (SBN 232204)
4 amir@protectionlawgroup.com
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SEP 13 2019

BY Alma Vallejo Garza
ALMA VALLEJO GARZA, DEPUTY

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Case No.: CIVDS1803211

Hon. David Cohn
Dept. S26

PROOF OF SERVICE

Complaint Filed: February 8, 2018
Trial Date: None

1 **PROOF OF SERICE**

2 *Fernandez v. Sumitomo Rubber North America, Inc., et al.* – Case No. CIVDS1803211

3 STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action. My business address is 136 Main St., Suite A, El Segundo,
6 CA 90245.

7 On September 13, 2019, I served the following document(s):

8 **NOTICE OF ENTRY OF ORDER**

9 by placing a true copy thereof enclosed in a sealed envelope and deposited in the mail with postage
10 thereon fully prepaid for USPS First Class Mail addressed as follows:

11 James J. McDonald, Jr.
12 Boris Sorsher
13 Rebecca S. King
14 FISHER & PHILLIPS, LLP
15 2050 Main Street, Suite 1000
16 Irvine, CA 92614

17 I deposited such envelope in the mail at El Segundo, California. I declare under penalty of perjury
18 under the laws of the State of California that the above is true and correct.

19 Executed on September 13, 2019, at El Segundo, California.

20 
21 _____
22 JENNIFER ONTIVEROS
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