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erroneously sued as Storagepro, Inc.

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

CHER LEE FAACKS, individually and on
behalf of all similarly situated individuals.

Plaintiff,

v.

STORAGEPRO MANAGEMENT, INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: CU19-084121

*Assigned to the Hon. S. Robert Tic-Raskin, Dept.
6*

CLASS ACTION

**JOINT SUPPLEMENTAL BRIEFING FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DATE: June 16, 2023

TIME: 10:00 a.m.

DEPT.: 6

*Complaint Filed: September 13, 2019
FAC Filed: November 5, 2019*

1 **I. INTRODUCTION**

2 Plaintiff Cher Lee Faacks (“Plaintiff”) and Defendant Defendant StoragePro Management,
3 Inc. (“Defendant”) (collectively, “the Parties”) hereby respectfully submit this Joint Supplemental
4 Briefing to address the Court’s May 11, 2023 Ruling (the “Ruling”) regarding Plaintiff’s
5 Unopposed Motion for Preliminary Approval of Class Action Settlement and Seeking Leave to
6 File Second Amended Complaint. A copy of the Ruling is attached to the Supplemental
7 Declaration of Daniel F. Gaines (“Suppl. Gaines Decl.”) as **Exhibit A**.

8 **II. TOPICS ADDRESSED IN THE COURT’S RULING**

9 **1. Additional Information Regarding Settlement Negotiations**

10 The Court has requested that Plaintiff’s Counsel submit additional information regarding
11 the specific documents reviewed and the extent of discovery conducted prior to agreeing to settle
12 the case. *See Exhibit A* to Suppl. Gaines Decl.

13 Plaintiff directs the Court’s attention to the Suppl. Gaines Decl., ¶¶ 5-7, submitted
14 concurrently with this supplemental briefing.

15 **2. Proposed Class Representative**

16 The Court stated that Plaintiff should submit a declaration evidencing that she has agreed
17 to act as a class representative and understands her responsibilities. *See Exhibit A* to Suppl. Gaines
18 Decl.

19 Plaintiff directs the Court’s attention to the Declaration of Cher Lee Faacks, ¶¶ 4-11,
20 submitted concurrently with this supplemental briefing. The Declaration of Cher Lee Faacks
21 addresses why the proposed class representative payment is reasonable.

22 **3. Settlement Administrator**

23 The Court stated that the proposed class administrator, Phoenix Settlement Administrators,
24 should submit a declaration with a copy of its bid for administering this Action. *See Exhibit A* to
25 Suppl. Gaines Decl.

26 Plaintiff directs the Court’s attention to the Declaration of Jodey Lawrence, submitted
27 concurrently with this supplemental briefing. The Declaration of Jodey Lawrence provides a
28 description of Phoenix Settlement Administrators’ services and experience and states that it has

adequate insurance, and it is not affiliated with the Parties or counsel in this Action. *See* Declaration of Jodey Lawrence, ¶¶ 4-15. The Declaration of Jodey Lawrence also provides a copy of the bid to administer this Action. *Id.* at ¶ 16; **Exhibit B** to Lawrence Declaration.

Proposed Class Counsel, Daniel F. Gaines, also attests that he has worked with Phoenix Settlement Administrators on more than twenty class and PAGA settlements and their work is excellent. *See* Suppl. Gaines Decl., ¶ 8.

4. Class Notice

The Court noted that the Settlement Agreement and proposed Class Notice do not address how notice of final Judgment, or a change of date or location of the Final Approval Hearing, will be given to Class Members. *See* **Exhibit A** to Suppl. Gaines Decl.

The Parties have revised the Settlement Agreement and Class Notice to provide that the Settlement Administrator will establish and maintain and use an internet website to post information of interest to Class Members including the date, time, and location of the Final Approval Hearing and copies of the Settlement Agreement, Motion for Preliminary Approval, the Preliminary Approval Order, the Class Notice, the Motion for Final Approval, the Motion for Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment and Class Representative Service Payment, the Final Approval Order and the Judgment. These documents will remain online for no fewer than one year after the entry of the Judgment. *See* **Exhibit B** (a true and correct copy of the Parties' First Amended Settlement Agreement and Release of Claims [the "Amended Settlement" or "Amended Settlement Agreement"]) and **Exhibit C** (a true and correct copy redlining the changes made between the original Settlement Agreement and the Amended Settlement [the "Redlined Amended Settlement Agreement"]) to Suppl. Gaines Decl., at ¶ E(15). *See also* the Amended Class Notice (attached as Exhibit 1 to the Amended Settlement Agreement [**Exhibit B** to the Suppl. Gaines Decl.]) and the Redlined Amended Class Notice (attached as Exhibit 1 to the Redlined Amended Settlement Agreement [**Exhibit C** to the Suppl. Gaines Decl.]), §§ "The Settlement Hearing" and "Are There More Details About The Settlement?".

Concurrently with the submission of these supplemental documents to the Court, Plaintiff's Counsel is uploading the Amended Settlement Agreement and all supplemental preliminary

1 approval documents to the LWDA via online upload. *See* Suppl. Gaines Decl., ¶ 9.

2 **III. CONCLUSION**

3 Accordingly, the Parties respectfully request that this Court grant preliminary approval of
4 the Amended Settlement Agreement and grant leave for Plaintiff to file her proposed Second
5 Amended Complaint.

6 Dated: June 5, 2023

GAINES & GAINES
A Professional Law Corporation

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8 By: 

DANIEL F. GAINES
ALEX P. KATOFISKY
Attorneys for Plaintiff and Proposed Class
Counsel

10
11 Dated: June 5, 2023

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