

FILED
Clerk of the Superior Court

MAY 29 2019

By: R. Cersosimo, Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL DIVISION

MANUEL POSADAS, as a Private Attorney
General,

Plaintiff,

v.

JPMORGAN CHASE BANK, AND DOES 1-
10, INCLUSIVE,

Defendants.

Case No. 37-2018-00005816-CU-OE-CTL

CLASS ACTION

**[PRIVATE ATTORNEY GENERAL
ACTION AS TO PLAINTIFFS' SECOND
CAUSE OF ACTION]**

**[PROPOSED] ORDER: ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

IMAGED FILE

Hearing Date: May 24, 2019
Hearing Time: 10:30 a.m.
Dept: C-68
Judge: Hon. Richard S. Whitney

1 On May 24, 2019, a hearing was held on Plaintiffs Manuel Posadas and Jennifer Salas'
2 (collectively "Plaintiffs") Unopposed Motion for Preliminary Approval of Class Action
3 Settlement. London D. Meservy of Meservy Law, P.C. appeared for Plaintiffs and the Class and
4 Carrie Gonnell of Morgan, Lewis & Bockius LLP appeared for Defendant JPMorgan Chase
5 Bank, N.A. ("Defendant")(Plaintiffs and Defendant are collectively referred to as the "Parties").

6 Having read and considered the papers on the motion, the Settlement (as defined herein),
7 and the record and proceedings herein, the Court finds, concludes, and hereby orders as follows:

8 1. All capitalized terms that are not otherwise defined shall have the same definitions
9 as set forth in the Parties' Joint Stipulation of Settlement and Release (the "Stipulation") (attached
10 as Exhibit 1 to the Declaration of London D. Meservy). The Stipulation sets forth the terms and
11 conditions for resolution of the Lawsuit (the "Settlement").

12 2. The Settlement is granted preliminary approval as it meets the criteria for
13 preliminary settlement approval. The Settlement falls within the range of possible approval as
14 fair, adequate, and reasonable; appears to be the product of arm's-length and informed
15 negotiations; and appears to treat all members of the Class (as defined herein) fairly.

16 3. The proposed Class satisfies the requirements of a settlement class, because the
17 members of the Class are readily ascertainable, and a well-defined community of interest exists in
18 the questions of law and fact affecting the members of the Class. Therefore, for settlement
19 purposes only, the Court conditionally certifies the Class.

20 4. The Class Notice (attached as Exhibit 1 to the Stipulation) is constitutionally sound
21 and comports with due process, because individual notice will be mailed to all members of the
22 Class whose identities are known to the Parties, and such notice is the best notice practicable. The
23 Class Notice is sufficient to inform members of the Class of the terms of the Settlement, their
24 rights under the Settlement, their rights to request exclusion or object to the Settlement and the
25 processes for doing so, and the date and location of the final approval hearing. Therefore, the
26 Court approves the form of the Class Notice.

27 //

28 //

1 5. The following persons are certified as members of the Class solely for the purpose
2 of entering into the Settlement in this matter:

3 Any individual employed by JPMorgan Chase Bank, N.A. as a Business
4 Relationship Manager (“BRM”) I, II, III, or Senior BRM in California
5 during the period from February 1, 2014 to March 1, 2019 (the “Class” or
6 “Class Members”).

6 6. This is a non-reversionary settlement and all members of the Class will be entitled
7 to an individual settlement payment, under the procedure set forth in the Stipulation and Class
8 Notice. A member of the Class will not receive an individual settlement payment if he or she
9 requests exclusion or opts-out of the Settlement.

10 7. Members of the Class will have the right to request to be excluded from (opt out
11 of) the Settlement by submitting a signed, written request to the Settlement Administrator to be
12 excluded no later than 45 calendar days after the Settlement Administrator mails the Class Notice
13 under the procedure set forth in the Class Notice.

14 8. Any Members of the Class who do not submit a valid and timely request to be
15 excluded from the Settlement will be bound by the terms of the Settlement with respect to his or
16 her claims covered by the Settlement. Any persons who files a valid and timely request to be
17 excluded from the Settlement shall have no rights under the Settlement and shall not share in the
18 distribution of Settlement funds, but will not be bound by the Settlement or any final judgment
19 and order of dismissal entered under the Settlement.

20 9. All eligible Members of the Class who do not request exclusion in the manner set
21 forth in the Class Notice shall be conclusively deemed to have released the Released State Law
22 Claims against the Chase Releasees.

23 10. KCC, LLC is appointed to act as the Settlement Administrator, under the terms set
24 forth in the Stipulation.

25 11. Plaintiffs are appointed as Class Representatives. London D. Meservy of Meservy
26 Law, P.C., Matthew S. Dente of Dente Law, P.C., Noam Glick of Glick Law Group, P.C., James
27 R. Hawkins, APLC, and Sean S. Vahdat & Associates, APLC are appointed Class Counsel.

1 12. By June 14, 2019, Defendant shall provide the Settlement Administrator with the
2 names and current mailing addresses of the members of the Class, and the other information
3 necessary for dissemination of the Class Notice, as specified in the Stipulation.

4 13. By June 29, 2019, the Settlement Administrator shall disseminate the Class Notice
5 to the members of the Class by first-class mail, according to the notice plan described in the
6 Stipulation and in the form submitted by the Parties.

7 14. A final fairness hearing will be held on September 20, 2019, at 10:30 a.m., to
8 determine whether the proposed terms set forth in the Stipulation should be granted final approval
9 as fair, reasonable, and adequate as to members of the Class and Subclasses ("Final Approval
10 Hearing"). At the Final Approval Hearing, the Court will hear all evidence and argument
11 necessary to evaluate the Settlement, and also will consider Class Counsels' request for attorneys'
12 fees and costs and the amount of the Enhancements to the Class Representatives. Members of the
13 Class and their counsel may support or oppose the Settlement and/or the motion for awards of the
14 Class Representatives' Enhancements and Class Counsels' attorneys' fees and costs, if they so
15 desire.

16 15. If a member of the Class wishes to appear at the Final Approval Hearing in person
17 or by his or her own attorney and object to the Settlement, or object to the motion for awards of
18 the Class Representatives' Enhancements and/or Class Counsels' attorneys' fees and expenses, he
19 or she must file with the Superior Court, and serve on counsel for the Parties, a written statement
20 objecting to the Settlement and setting forth the grounds for the objection, by August 13, 2019.
21 The statement must indicate whether the member of the Class intends to appear and object at the
22 Final Approval Hearing. Failure to so indicate will constitute a waiver of the right to appear.
23 Members of the Class who wish to object to the Settlement but do not wish to appear at the Final
24 Approval Hearing may file their written objections with the Superior Court, and serve copies of
25 the objections on counsel for the Parties, by August 13, 2019, in accordance with the procedure
26 set forth in the Class Notice. Any person who has requested to be excluded from the Settlement
27 may not also raise an objection to the Settlement or appear at the Final Approval Hearing.

1 16. The Court reserves the right to continue the date of the Final Approval Hearing
2 without further notice to members of the Class. After the Final Approval Hearing, the Court will
3 retain jurisdiction to consider all further applications arising out of or in connection with the
4 Settlement.

5 17. The Court's preliminary approval of the Settlement is not to be deemed an
6 admission of liability or fault by Defendant, or a finding as to the validity of any claims or
7 defenses asserted in this litigation.

8 18. All proceedings in this action shall be stayed, except such actions as may be
9 necessary to implement the Settlement and this Order, pending the Parties' efforts to effectuate
10 the terms of the Settlement and obtain final Court approval.

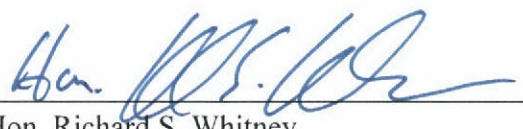
11 19. In accordance with the Settlement, the Court hereby adopts the following dates for
12 performance:

13	June 14, 2019	Deadline for Defendant to provide Settlement Administrator with data for members of Class and Subclasses.
14		
15	June 29, 2019	Deadline for Settlement Administrator to mail the Class Notice to all members of Class.
16		
17	August 13, 2019 (45 days after mailing of Class Notice)	Last day for eligible Class Members to request to be excluded from the Settlement.
18	August 13, 2019 (45 days after mailing of Class Notice)	Last day for Class Members to file and serve written objections to the Settlement and any notices of intent to appear at the final approval hearing.
19		
20		
21	August 28, 2019 (16 court days prior to hearing on final approval)	Last day for Plaintiffs to file and serve motion for final approval of Settlement, and for Plaintiffs to file request for attorneys' fees, costs, and Class Representatives' Enhancements.
22		
23	September 9, 2019 (9 court days prior to hearing on final approval)	Last day for filing of any written opposition to motion for final approval of Settlement and/or Plaintiff's request for attorneys' fees, costs, and Class Representatives Enhancements.
24		
25		
26	September 13, 2019 (5 court days prior to hearing on final approval)	Last day for filing of any reply to any opposition to motion for final approval of Settlement and/or Plaintiff's request for attorneys' fees, costs, and Class Representatives' Enhancements.
27		
28	September 20, 2019, at 10:30 a.m.	Final approval hearing.

1 20. Upon motion or application by any party, the Court may, for good cause, extend
2 any of the deadlines set forth in this Order without further notice to Class Members.

3 IT IS SO ORDERED.

4
5 Dated: 5-24-19



Hon. Richard S. Whitney
Judge of the Superior Court

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28