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22 Attorneys for the Certified Class

23 SUPERIOR COURT OF THE STATE OF CALIFORNIA

24 FOR THE COUNTY OF ORANGE

25 RICHARD PEDROZA et al individually, and ) Case No. 30-2014-00731601-CU-BT-CXC  
26 on behalf of all persons similarly situated, ) Consolidated with Case No.  
27 ) 30-2014-00731611-CU-MC-CXC and  
28 Plaintiff, ) Case No. 30-2014-00732772-CU-BT-CXC  
29 )

30 vs.

31 EL DORADO INN, BRILLIANT )  
32 MANAGEMENT INC., HSIAO PING WANG )  
33 aka WANG HSIAO-PING )  
34 and DOES 1 THROUGH 100 INCLUSIVE )  
35 Defendants. )

36 ) Assigned for All Purposes to:  
37 ) The Honorable William Claster  
38 ) Dept. CX 104  
39 ) CLASS ACTION  
40 ) REVISED [~~Proposed~~] ORDER GRANTING  
41 ) PRELIMINARY APPROVAL OF CLASS  
42 ) ACTION SETTLEMENT

43 \_\_\_\_\_ )  
44 Case No. 30-2014-00731611-CU-MC- )  
45 CXC )  
46 )  
47 )  
48 )

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

**DEC 24 2019**

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

1 TRICIA COELHO and DOUG MAGILL, on )  
behalf of themselves and all others similarly )  
2 situated, )

3 Plaintiffs, )

4 v. )

5 EL DORADO INN, a California corporation; )  
6 VALENCIA INN, a California corporation; )  
7 WING HANG GROUP, INC., a California )  
Corporation; and DOES 1 through 100, )  
inclusive, )

8 Defendants. )

9 Case No. 30-2014-00732772-CU-BT-CXC )

10 MICHAEL R. MCINTYRE and THEO )  
11 PHILLIPS-POWERS, on )  
behalf of themselves and all persons similarly )  
12 situated, )

13 v. )

14 VALENCIA INN, )  
15 WING HANE GROUP, INC., )  
16 WANG CHI CHUNG, )  
and Does 1 through 100 inclusive, )

17 Defendants. )

18 **ORDER**

19  
20 WHEREAS, the parties having made an application, pursuant to Code of Civil Procedure  
21 Section 382 and California Rule of Court 3.769, for an order preliminarily approving the partial  
22 settlement of this Litigation pursuant to the executed Settlement Agreement filed September 13,  
23 2019 which, together with its attached Exhibits, sets forth the terms and conditions for a proposed  
24 partial settlement of the Litigation; and  
25

26 WHEREAS, the Court having read and considered the Motion for Preliminary Approval  
27 and the Settlement Agreement and its attached Exhibits; NOW ORDERS:  
28

1. This Order incorporates by reference the definitions in the Settlement Agreement, and

1 all terms used in this Order shall have the same meanings as set forth in the Settlement  
2 Agreement.

3 2. For purposes of this Litigation, the Court has subject matter and personal jurisdiction  
4 over the Settling Parties, including all Settlement Class Members.

5 3. The Court preliminarily approves the Settlement as being within the realm of  
6 reasonableness, subject to further consideration at the Settlement Hearing described below.

7 4. Pursuant to Code of Civil Procedure Section 382 and California Rule of Court 3.769, the  
8 Court conditionally certifies, solely for purposes of effectuating the Settlement, a class (the  
9 "Settlement Class") as follows:  
10

11 The "El Dorado Settlement Class."

12 All individuals who resided at the El Dorado Inn for at least 28  
13 consecutive days and were required to move out or to check out and  
14 reregister before the expiration of 30 consecutive days of occupancy  
15 from June 27, 2010 to August 19, 2016; and

16 The "Valencia Settlement Class:"

17 All individuals who resided at the Valencia Inn for at least 28  
18 consecutive days and were required to move out or to check out and  
19 reregister before the expiration of 30 consecutive days of occupancy  
20 from July 7, 2010 to August 19, 2016.

21 Together the Settlement Classes are collectively referred to as the  
22 "Settlement Class."

23 5. The claims of Class Representatives Richard Pedroza, Tricia Coelho, Doug Magill,  
24 Michael McIntyre and Theo Phillips- Powers are typical of the Settlement Class and the Class  
25 Representatives and Class Counsel Jeffrey Spencer, Esq. of the Spencer Law Firm, Jeffrey Wilens,  
26 Esq. of the Lakeshore Law Center and Stanley D. Saltzman, Esq. of Marlin & Saltzman have  
27 fairly and adequately represented and protected the interests of the Settlement Class.

28 6. Upon review of the record and the Agreement, the Court finds that the proposed  
Agreement, under which Defendants has agreed to create a non-reversionary Settlement Fund with  
a value of \$3,200,000 (The Gross Settlement Fund, "GSF") and an stipulated judgment in the

1 amount of \$1,416,000 for violations that occurred at the Valencia Inn during the time period that  
2 those premises were insured by Ironshore Specialty Insurance Company ("Ironshore") which  
3 denied coverage and defense was arrived at after extensive arm's length negotiations with the  
4 assistance of multiple mediators falls within the range of possible approval; and is hereby  
5 preliminarily approved, subject to further consideration at a final fairness hearing to be scheduled  
6 at a later time.

7           7. The Court appoints CPT Group, Inc. as Settlement Administrator, with responsibility  
8 for class notice and settlement administration.

9           8. The Court approves, as to form and content, the Mail Notice, the Claim Form, Opt Out  
10 Form and Publication Notice attached as Exhibits 1,2,3 and 4 to the Settlement Agreement.

11           9. The Court finds that the mailing of the Settlement Notice and the Publication Notice  
12 substantially in the manner and form set forth in this Order meets the requirements of Code of  
13 Civil Procedure Section 382, California Rule of Court 3.769 and due process. The foregoing is the  
14 best notice practicable under the circumstances and shall constitute due and sufficient notice to all  
15 persons entitled to such Notice.  
16

17           10. No later than January 13, 2020 the Settlement Administrator shall mail the Settlement  
18 Notice to the last known address of each Settlement Class Member as shown on Defendant's  
19 business records. Prior to mailing, the Settlement Administrator will conduct a national change-of-  
20 address search and/or skip trace and will update its mailing list accordingly and mail the  
21 Settlement Notice to all addresses located for each Settlement Class Member.  
22

23           11. No later than January 13, 2020 the Settlement Administrator shall cause the Publication  
24 Notice to be published in the Orange County Register on the highest-circulation day of the week  
25 and published a second time one week thereafter.  
26

27           12. A Final Approval Hearing shall be held on April 24, 2020 at 9:00 a.m. in Department  
28 CX 104 of the Orange County Superior Court, Civil Complex Center, 751 W. Santa Ana Blvd.,

1 Santa Ana, CA 92701 to determine whether the proposed Settlement should be finally approved as  
2 fair, reasonable and adequate and whether attorneys' fees and cost and incentive awards should be  
3 awarded, respectively, to Class Counsel and the Representative Plaintiffs, and, if so, in what  
4 amount. The Court may adjourn the Settlement Hearing without further notice to Settlement Class  
5 Members. Moving papers are due 16 court days before the hearing.

6 13. If Settlement Class Members do not wish to participate in the Settlement Class they  
7 may exclude themselves. All requests by Settlement Class Members to be excluded must be in  
8 writing and be received by the Claims Administrator no later than February 27, 2020 (45 days  
9 from the Claims Administrator's deadline for mailing the Notice).

10 14. Any Settlement Class Member may appear and be heard at the Settlement Hearing or  
11 submit a written objection as to any reason why the proposed Settlement should or should not be  
12 approved as fair, reasonable and adequate or why a judgment should or should not be entered  
13 approving such Settlement. To be considered valid, a written objection must include the objector's  
14 name and address and dates of stay and must include the basis for the objection (including why the  
15 objector believes the settlement is not in the best interest of the Class), along with any and all  
16 documents that support the objection. However, no Settlement Class Member shall be entitled to  
17 submit a written objection to the approval of the terms and conditions of the proposed Settlement,  
18 unless that Settlement Class Member has served written objections and proof of membership in  
19 the class not later than February 27, 2020 (45 Days from the Claims Administrator's deadline for  
20 mailing the Notice). Such written objections and proof of class membership must be served by  
21 mail on the Settlement Administrator by that deadline who will forward the objection to the  
22 following counsel for the parties:

23  
24  
25  
26 Class Counsel: The Spencer Law Firm, Jeffrey Spencer, Esq., 2 Venture, Suite 220, Irvine,  
27 CA 92673, 949-240-8595, Lakeshore Law Center, Jeffrey Wilens, Esq., 18340 Yorba Linda Blvd.,  
28 Suite 107-610, Yorba Linda, CA 92886 and Marlin & Saltzman, Stanley D. Saltzman, Esq.

29800 Agoura Road, Suite 210, Agoura Hills, California 91301; and

Counsel for Defendants: Allen Matkins Leck Gamble Mallory & Natsis LLP, Scott J. Leipzig, Esq., Nancy S. Fong Esq., 865 S. Figueroa St., Suite 2800, Los Angeles, CA 90071 and Cooksey, Toolen, Gage, Duffy & Woog, Phil Woog, Mathew R. Pahl, 535 Anton Boulevard, Tenth Floor, Costa Mesa, California 92626-1977.

15. Any Settlement Class Member who does not make his or her objections in the manner required shall be deemed to have waived such objections and shall forever be foreclosed from making any objections to the fairness, reasonableness, or adequacy of the proposed settlement and the judgment approving the Settlement.

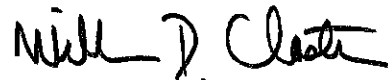
16. All requests by Settlement Class Members to intervene in the Litigation must be filed with the Court and served on counsel for the parties by the deadline for written objections.

17. If Settlement Class Members who do not have Qualifying Stays reflected in Defendants' business records wish to participate in the Settlement Class they must complete and submit the Claim Form online or by U.S. Mail to the Claims Administrator no later than February 27, 2020 (45 days from the Claims Administrator's deadline for mailing the Notice).

18. The Court may approve the Settlement with such modifications as may be agreed to by the parties, if appropriate, without further notice to the Settlement Class Members.

**IT IS SO ORDERED**

Dated: 12-24-19



The Honorable William Claster  
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 State of California )  
3 County of Orange )

4 I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 2 Venture, Suite 220, Irvine, CA 92618.

5 On December 16, 2019 I served the Revised Proposed Order on the interested parties in this action via Electronic Mail to the addresses listed below:

|  |  |
|--|--|
| 6 <u>Co-Counsel for the Pedroza and McIntyre Plaintiffs</u><br>7 LAKESHORE LAW CENTER<br>Jeffrey Wilens, Esq.<br>18340 Yorba Linda Blvd., Suite 107-610<br>8 Yorba Linda, CA 92886<br>Telephone No: (714) 854-7205<br>9 Facsimile No: (714) 854-7206<br>Email: jeff@lakeshorelaw.org                                     | <u>Attorneys for Defendants El Dorado Inn and Valencia</u><br><u>Inn et al</u><br>Allen Matkins Leck Gamble Mallory & Natsis LLP<br>Scott J. Leipzig, Esq.<br>Nancy S. Fong Esq.<br>865 S. Figueroa St., Suite 2800<br>Los Angeles, CA 90071<br>(310) 788-2400<br>(310) 788-2410 (Fax)<br><a href="mailto:sleipzig@allenmatkins.com">sleipzig@allenmatkins.com</a><br><a href="mailto:nfong@allenmatkins.com">nfong@allenmatkins.com</a> |
| 13 <u>Counsel for Coelho Plaintiffs</u><br>14 MARLIN & SALTZMAN, LLP<br>Stanley D. Saltzman, Esq.<br>29800 Agoura Road, Suite 210<br>15 Agoura Hills, California 91301<br>Telephone: (818) 991-8080<br>16 Facsimile: (818) 991-8081<br>17 <a href="mailto:ssaltzman@marlinsaltzman.com">ssaltzman@marlinsaltzman.com</a> | COOKSEY, TOOLLEN, GAGE, DUFFY & WOOG<br>PHIL WOOG<br>MATHEW R. PAHL<br>535 Anton Boulevard, Tenth Floor<br>Costa Mesa, California 92626-1977<br>Tel: (714) 431-1100/Fax: (714)431-1119<br><a href="mailto:pwoog@cookseylaw.com">pwoog@cookseylaw.com</a><br><a href="mailto:mpahl@cookseylaw.com">mpahl@cookseylaw.com</a>   |

18  
19  
20  BY ELECTRONIC MAIL: To the email addresses listed above

21  BY U.S. MAIL:

22 Executed on December 16, 2019 at Irvine, California. I declare under penalty of perjury under the laws of  
23 the State of California that the foregoing is true and correct.

24 By: \_\_\_/S/\_\_\_\_\_  
25 Jeffrey Spencer  
26  
27  
28