

DEC 22 2021

CLERK OF THE SUPERIOR COURT

By C. J. Smith Deputy

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11 Briana Rivera, Rosalio Trujillo Rivera and the Class

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

14 UNLIMITED JURISDICTION

15 BRIANA RIVERA, and ROSALIO
16 TRUJILLO RIVERA, suing individually for
17 themselves and on behalf of others similarly
18 situated,

19 Plaintiffs,

20 v.

21 COCO PROPERTIES JL, LLC, et al.,

22 Defendants,

Case No. RG19018580

CLASS ACTION ASSIGNED FOR ALL
PURPOSES TO JUDGE WINIFRED SMITH
DEPARTMENT 21

**[REDACTED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

23 The motion of plaintiffs Briana Rivera and Rosalio Trujillo Rivera ("Plaintiffs") for an
24 order preliminarily approving the settlement of this putative class action came on regularly for
25 hearing on June 25, 2021 at 10:00 a.m. in Department 21 of the Alameda County Superior Court.
26 Having read the motion, the memoranda, the declarations and having heard argument of counsel,
27 this Court finds:

28 (1) That the parties to this action have agreed, subject to Court approval, to a settlement
of this class action upon the terms and conditions set forth in the class action settlement
("Settlement"), a copy of which has been submitted as **Exhibit A** to the declaration of Tony
Ruch in support of Plaintiff's motion.

(2) It is impracticable to bring members of the class before the Court;

(3) The class is ascertainable and is sufficiently numerous to warrant class treatment;

1 (4) The questions of law or fact common to the class are substantially similar and
2 predominate over the questions affecting the individual members;

3 (5) The claims or defenses of the representative plaintiffs are typical of the claims or
4 defenses of the class;

5 (6) The representative plaintiffs will fairly and adequately protect the interests of the
6 Class; and

7 (7) A class action is the superior means for adjudicating the claims in this litigation.

8 IT IS THEREFORE ORDERED THAT:

9 1. This order incorporates by reference the definitions in the Settlement, and all terms
10 defined therein shall have the same meaning in this order as set forth in the Settlement.

11 2. A class action is proper as to all causes of action of the complaint in this action.

12 3. The Court finds on a preliminary basis that the Settlement is fair, adequate and
13 reasonable. The Court has reviewed the monetary relief, and it appears the Settlement was
14 reached through non-collusive, arms-length negotiations and is within the range of
15 reasonableness that could be given final approval by this Court. It further appears that the parties
16 have conducted adequate investigation, discovery, and litigation in this action, such that they are
17 able to reasonably evaluate the action. It also appears that Settlement at this time will avoid
18 potentially significant costs, delays and risks presented by further litigation of the action.

19 4. The class to be provisionally certified is defined as: All tenants who lived in the
20 apartment complex located at 4273 Central Avenue, Fremont, CA, and who, at any time from
21 May 9, 2015 through February 10, 2021, received at least one rent increase notice which did not
22 contain language required by the City of Fremont Residential Rent Increase Dispute Resolution
23 Ordinance and/or City of Fremont Rent Review Ordinance.

24 5. Plaintiffs Briana Rivera and Rosalio Trujillo Rivera are now appointed the class
25 representatives.

26 6. The Law Offices of Andrew Wolff, P.C. is now appointed class counsel.

27 7. Class counsel is authorized to act on behalf of class members with respect to all acts
28 or consents required by, or that may be given pursuant to, the Settlement and such other acts
reasonably necessary to consummate the Settlement. Any class member may enter an
appearance through counsel of their own choosing and at their own expense. Any class member

1 who does not enter an appearance or appear on their own, and who does not exclude themselves
2 from the Settlement, will be represented by class counsel.

3 8. The Court hereby approves, as to both form and content, the class notice ("Class
4 Notice") of the Settlement and the notice of intention to opt out of Settlement ("Opt Out Form")
5 to be distributed to class members. The Court finds that distribution of the Class Notice and Opt
6 Out Form in substantially the manner and form set forth in the Settlement and this order meets the
7 requirements of due process, is the best notice practicable under the circumstances, and shall
8 constitute due and sufficient notice to all persons entitled thereto. Pursuant to the terms of the
9 Settlement, the parties are hereby directed to provide the class member list to the settlement
10 administrator. The Class Notice and Opt Out Form are attached to this order as **Exhibit 1**.

11 9. For purposes of the Settlement and as a savings control measure, the Court approves
12 and appoints the Law Offices of Andrew Wolff, P.C. to serve as the settlement administrator for
13 purposes of carrying out the notice and settlement administration processes.

14 10. The settlement administrator shall: (1) maintain a settlement website with the
15 complaint, Settlement, Class Notice, Opt Out Form, and this order; (2) perform electronic
16 address searches for class members before mailing the Class Notice and Opt Out Form; (3) mail
17 the Class Notice and Opt Out Form to each class member; (4) for any Class Notice that is
18 returned as undeliverable, run an additional address check, and if an updated address is found,
19 remail the Class Notice and Opt Out Form; and (5) track class member requests for exclusion
20 from class and objections.

21 11. Any class member may choose to be excluded from the class by completing and
22 returning the Opt Out Form within sixty (60) days of the date on which the settlement
23 administrator mails the Opt Out Form. Any such person who chooses to be excluded from the
24 class will not be entitled to any recovery under the Settlement nor will be bound by the
25 Settlement or have any right to object, appeal, or comment thereon. Absent good cause found by
26 the Court, class members who have not timely requested exclusion shall be bound by the
27 Settlement and all decisions, orders, and judgments of this Court.

28 12. Any Class Member who has not opted out of the Settlement may appear at the final
approval hearing and may object to or express their views regarding the Settlement, and may
present evidence and file briefs or other papers that may be proper and relevant to the issues to
be heard and determined by the Court as provided in the Class Notice and the Settlement. It is

1 not necessary for a class member to appear at the final approval hearing. The failure of any class
2 member to file a written objection regarding any particular aspect of the Settlement will not
3 waive a class member's right to orally object to the Settlement at the final approval hearing.

4 13. A final approval hearing shall be held before this Court on **December 3, 2021** at
5 **10:00 a.m.**, in Department 21 of the Alameda County Superior Court, located at 1221 Oak Street,
6 Oakland, CA, 94612, to determine all necessary matters concerning the Settlement, including: (a)
7 whether the proposed Settlement of the action on the terms and conditions provided for in the
8 Settlement is fair, adequate, and reasonable and should be finally approved by the Court; (b)
9 whether a judgment, as provided in the Settlement, should be entered herein; and (c) whether to
10 approve the requested settlement administration costs, service awards for the class
11 representative, and litigation costs and attorneys' fees for class counsel. In order to ensure that
12 all interested parties have been heard and all matters considered, the final approval hearing may
13 continue to an additional date or dates at the Court's discretion upon proper notice.

14 14. The Settlement proposes that any cy pres award be distributed in equal parts to
15 the East Bay Community Law Center, the Eviction Defense Center and El Centro de la Raza.

16 The Court hereby preliminarily approves the following as cy pres beneficiaries: _____
17 _____.

18 15. The Court in its discretion may determine that any class member who fails to comply
19 with this order, the Class Notice, or the Settlement shall not be heard at the final approval hearing.

20 16. All other events contemplated by the Settlement to occur after this order and before the
21 final approval hearing, shall be governed by the Settlement.

22 17. As of the date this order is signed, all dates and deadlines associated with the action
23 shall be stayed, other than those pertaining to the administration of the Settlement.

24 18. In the event that final approval of this Settlement does not occur for any reason, the
25 parties shall have all rights, claims, and defenses that they had as of the date of execution of the
26 Settlement, and all litigation deadlines shall be deemed to have been tolled as of the date of
27 execution of the Settlement.

28 19. The Court reserves the right to adjourn or continue the dates provided for in the
Settlement without further notice to class members, and retains jurisdiction to consider all further
applications arising out of or connected with the proposed Settlement. The Court reserves the

1 right to approve the Settlement with such modifications, if any, as may be agreed to by Plaintiffs
2 and defendants, or in the Court's discretion, and without further notice to the class members.

3 20. Dates for performance

4 DATE

ACTION TO BE COMPLETED

5 ~~August 1, 2021~~

Deadline to mail Class Notice and Opt Out Form

6 ~~October 5, 2021~~

Deadline to opt out

7 ~~October 5, 2021~~

Deadline to submit objection to settlement

8 ~~November 5, 2021~~

Deadline to file attorneys' fees application

9 ~~November 5, 2021~~

Deadline to file motion for final approval

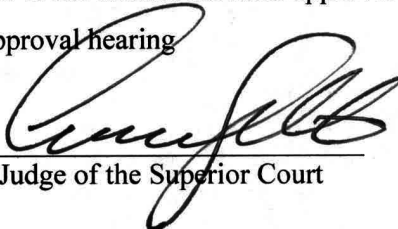
10 ~~December 3, 2021~~

Final approval hearing

11 IT IS SO ORDERED.

12 Dated:

13 DEC 2 2 2021

14 
15 Judge of the Superior Court