

1 NEWMEYER & DILLION LLP
JOSEPH A. FERRENTINO, CBN 162855
2 STEPHEN M. HAUPTMAN, CBN 226123
JASON MOBERLY CARUSO, CBN 287809
3 895 Dove Street, 5th Floor
Newport Beach, California 92660
4 (949) 854-7000; (949) 854-7099 (Fax)

5 *Attorneys for Plaintiff and the Class*

6 COX, CASTLE & NICHOLSON LLP
Ali P. Hamidi (State Bar No. 191198)
7 ahamidi@coxcastle.com
James M. Purvis (State Bar No. 281596)
8 jpurvis@coxcastle.com
50 California Street, Suite 3200
9 San Francisco, CA 94111-4710
Telephone: (415) 262-5100
10 Facsimile: (415) 262-5199

11 *Attorneys for Defendants*

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SAN LUIS OBISPO
14 UNLIMITED JURISDICTION
15

16 CAMERON GEEHR, individually and on
17 behalf of all others similarly situated,

18 Plaintiffs,

19 vs.

20 HOME SWEET HOME, LLC, a California
limited liability company; JOHN P.
21 WALSH; ASSET CAMPUS HOUSING,
INC., a Texas corporation; and DOES 1-
22 10, inclusive,

23 Defendants.
24
25

CASE NO.: 17-CV-0629
DEPT.: 9
JUDGE: Honorable Tana L. Coates

**ORDER ON JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

HEARING DATE AND TIME:

Date: November 28, 2018
Time: 9:00 a.m.
Dept.: 9

FILE DATE: November 27, 2017
TRIAL DATE SET: No Date Set

26 The Joint Motion for Preliminary Approval of Class Action Settlement, filed on behalf of
27 Plaintiff Cameron Geehr, on behalf of himself and all others similarly situated, and Defendants
28 Home Sweet Home, LLC and Asset Campus USA, LLC (“Defendants”), came on regularly for

1 hearing on November 28, 2018 at 9:00 a.m. in Department 9 of the above-entitled Court. Joseph
2 Ferrrentino appeared for Plaintiffs and Ali Hamidi appeared for Defendants. Appearances were
3 noted in the record. Having considered the papers and evidence submitted in support of the
4 motion, as well as oral argument of counsel for all parties, the Court GRANTS the Motion as
5 follows:

6 1. The Court grants preliminary approval of the settlement and the settlement class
7 based upon the terms set forth in the Class Action Settlement and Release, attached to the
8 Declaration of Stephen M. Hauptman as **Exhibit 1**. The settlement appears to be fair, adequate,
9 and reasonable to the class.

10 2. The settlement falls within the range of reasonableness and appears to be
11 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
12 and final approval by this Court. The Court finds and concludes that the settlement is the result of
13 arms-length negotiations between the parties conducted after class counsel had adequately
14 investigated Plaintiff's claims and become familiar with their strengths and weaknesses. The
15 assistance of an experienced mediator in the settlement process further confirms that the
16 settlement is non-collusive.

17 3. A final fairness hearing on the question of whether the proposed Settlement and
18 attorneys' fees and costs to class counsel should be finally approved as fair, reasonable, and
19 adequate as to the members of the Class is scheduled for March 6, 2019 at 9:00 a.m. in
20 Department 9 before the Honorable Tana L. Coates.

21 4. The Court approves, as to form and content, the general format of the Notice of
22 Pending Class Action and Proposed Settlement (the "Notice") attached to the Declaration of
23 Stephen M. Hauptman as **Exhibit 3**, subject to revisions set forth in the Court's tentative ruling
24 and the representations of counsel at the hearing. The Notice is the best notice practicable under
25 the circumstances and allows members of the class a full and fair opportunity to consider the
26 settlement, and decide whether or not to object or opt out. The Court directs distribution of the
27 Notice and the Class Action Settlement Claim Form (attached to the Declaration of Stephen M.
28 Hauptman as **Exhibit 4**) to the class members in accordance with the Implementation Schedule

1 set forth below. The Court finds the dates selected for the mailing and distribution of the Notice,
2 as set forth in the Implementation Schedule, meet the requirements of due process and provide the
3 best notice practicable under the circumstances and shall constitute due and sufficient notice to all
4 persons entitled thereto.

5 5. It is ordered that the settlement class is preliminarily certified for settlement
6 purposes only under Code of Civil Procedure section 382. The Court hereby finds and concludes
7 that the settlement class satisfies the requirements for certification under section 382 for purposes
8 of settlement only. Because certification of the class is proposed in the context of a settlement,
9 the Court need not inquire whether the case, if tried as a class action, would present intractable
10 management problems. Accordingly, the Court hereby conditionally certifies the class under
11 section 382 for purposes of the proposed settlement.

12 6. The Court confirms the appointment of Newmeyer & Dillion LLP as class counsel
13 for purposes of settlement only. In making this appointment, the Court has considered that class
14 counsel has performed extensive work to date in identifying and investigating potential claims in
15 the action; that class counsel has extensive experience in handling class actions and the types of
16 claims asserted in this action; that class counsel is very knowledgeable of the applicable law; and
17 that class counsel have committed and will continue to commit adequate resources to representing
18 the class.

19 7. The Court hereby appoints Cameron Geehr as class representative.

20 8. The Court confirms KCC LLC as the settlement administrator.

21 9. The Court enjoins any class member, whether acting directly or in a representative
22 capacity, or in any other capacity, and whether or not any such class member has appeared in the
23 litigation, from asserting, instituting or prosecuting in any court or governmental agency, any
24 claims released in the settlement against Defendants or any other parties released by the
25 settlement, unless the class member has sent a timely exclusion notice opting out of the
26 Settlement.

27 10. The Court orders the following Implementation Schedule for further proceedings:
28

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

Event	Deadline
Defendants provide the settlement administrator with each class member’s full name, last-known address, last-known home telephone number, and start dates and end dates of their tenancy for purposes of preparing and mailing packets to the class members, containing (1) Notice of Pending Class Action and Proposed Settlement and (2) Class Action Settlement Claim Form.	December 12, 2018
Settlement administrator required to distribute notice packets to all class members.	December 26, 2019
Deadline for class counsel to file motion for attorney’s fees and costs.	January 2, 2019
Postmark deadline for class members to (1) request exclusion/opt out of the settlement; (2) to serve written objections to the terms of the settlement; and/or (3) serve written notice to make an appearance at the Final Approval Hearing	January 16, 2019
Deadline for Claims Administrator to provide counsel a declaration setting forth (a) due diligence and proof of emailing/ mailing of the Class Notice; (b) the number of Class Members who were sent the Class Notice; and (c) the number of timely requests for exclusion or objections.	February 4, 2019

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

Postmark deadline for class members to submit Claim Form	February 11, 2019
Deadline for parties to file motion for final approval of settlement.	February 12, 2019
Final fairness/approval hearing and hearing on class counsel’s motion for attorney’s fees and costs	March 6, 2019

11. This Order is in effect until further notice and is subject to modification at the final approval hearing, or before.

IT IS SO ORDERED.

Dated: _____

 Hon. Tana L. Coates
 Judge of the Superior Court