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**FILED**  
Superior Court of California  
County of Los Angeles  
09/16/2022

Sherri R. Carter, Executive Officer / Clerk of Court  
By:                     N. Navarro                     Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF LOS ANGELES**

14  
15 ROGER HARRIS, DUANE BROWN, AND  
16 BRIAN LINDSEY,

17 Plaintiffs,

18 vs.

19 FARMERS INSURANCE EXCHANGE  
20 AND MID CENTURY INSURANCE  
21 COMPANY,

22 Defendants.

Case No. BC 579498

*[Assigned to the Hon. Maren Nelson in  
Dept. 17 of Spring Street Courthouse]*

**~~PROPOSED~~ ORDER AMENDING  
JUDGMENT**

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1 This matter came on for an Informal Conference on June 7, 2022 at 1:30 p.m. in  
2 Department 17 of the above-captioned court at the request of Settlement Administrator Epiq  
3 Class Actions & Claims Solutions, Inc. (“Epiq”). The purpose of the informal conference was  
4 to further discuss Epiq’s request that the Court modify the Judgment in this action so that Epiq  
5 may recover costs of up to \$661,190 incurred in the administration of the Parties’ class action  
6 settlement. In connection with that request, the Court ordered that Epiq provide certain  
7 information regarding the administration of the Settlement and authority for the additional  
8 requested award, which Epiq submitted on May 31, 2022 and March 17, 2022. The relevant  
9 background is as follows:

10 1. On January 7, 2020, the Court granted the Parties’ motion for preliminary approval of  
11 class action settlement, stating “settlement administration costs are estimated at \$573,000  
12 and capped at \$661,000.”

13 2. On September 4, 2020, the Court granted the Parties’ motion for final approval of the  
14 class action settlement, approving attorneys’ fees, costs and service awards. The Final Approval  
15 Order identified Epiq as the Settlement Administrator and granted it \$573,246 in compensation  
16 for its services administrating this action. The administration of the settlement remains ongoing.

17 3. To support the Parties’ motion for final approval, on May 21, 2020, Epiq submitted a  
18 declaration by Cameron R. Azari, which affirmed that the cost to implement the Notice Plan and  
19 to handle the settlement administration as of the date of the declaration was \$342,570.75. (Azari  
20 Dec. ¶ 30) Mr. Azari further confirmed that additional costs would be incurred following the  
21 Final Approval Hearing to complete the settlement administration for this case, including:  
22 continue sending notices, processing payments, reissuing payments and handling settlement  
23 closure. (Azari Dec. ¶ 31) Per Mr. Azari:

24 The number of checks to be sent is the biggest variable for determining the  
25 remaining expenses to complete administration of the Settlement. Based on  
26 the expenses incurred to date and the remaining future expenses, the total  
27 cost of administration is still estimated to be at or below \$573,246. Epiq’s  
28 agreed cap for all notice and administration costs is \$661,190, as set forth  
in my December 19, 2019, declaration filed with the Court. Since factors  
are unknown regarding the distribution phase of the settlement  
administration (quantities of check re-issues, class member inquiries, effect

1 of any possible delays such as appeals, etc), the exact final cost to complete  
the administration is still unknown.

2 (Azari Dec. ¶ 31) (emphasis added).

3 4. Under the terms of the Settlement Agreement, the Final Approval Order and the  
4 Judgment, any residual funds resulting from uncashed checks in the Qualified Settlement Fund  
5 must be distributed pursuant to California Code of Civil Procedure § 384(b). The Court may  
6 open any judgment to direct payment of any residual funds, plus interest, to the Center for Auto  
7 Safety, the approved cy pres recipient.

8 5. Since the Court entered the Judgment, Epiq states that it has incurred an additional  
9 \$94,177 beyond the \$573,246 provided for by the Judgment in administrative fees and expenses.

10 6. \$1,156,400.23 remains in the Settlement Fund.

11 7. Epiq's request to amend the Judgment to permit it to collect up to \$661,190 in  
12 administrative fees and expenses will not prejudice any of the parties as the Class Members have  
13 already been paid their share of the Settlement Fund, along with attorneys' fees, and Defendants  
14 will not be required to incur any additional costs. In addition to examining Epiq's grounds for  
15 its request, the Court also examined the long form notice and short form notice provided to Class  
16 Members, both of which state that Epiq would receive the \$573,246 provided for by the Final  
17 Approval Order and Judgment. The Court determined that, due to the size of the class  
18 (approximately 609,000 class members) and concurrence of the Parties, there is no prejudice to  
19 the Class Member in amending the Judgment to increase Epiq's compensation for its  
20 administration of the settlement to \$661,190.

21 Therefore, GOOD CAUSE appearing, the Court hereby amends its Judgment, dated  
22 October 26, 2020, as follows:

23 8. The Court hereby awards \$661,190 to Epiq Systems, Inc. as Settlement Administrator  
24 for the costs of providing notice and administering the Settlement. Epiq is ordered to post a  
25 Supplemental Notice of Settlement reflecting the new approved administration costs of \$661,190  
26 on the Class Administration Website by no later than 30 calendar days from the date of entry of  
27 the Order Amending Judgment. The Supplemental Notice of Settlement on the class  
28

1 administration website shall explain the Court's Order and how Epiq reached the \$661,190 cap  
2 on its fees.

3 9. Now that this issue of Epiq's payment has been resolved, Epiq is ordered to complete  
4 the final stages of the administration of the Settlement including but not necessarily limited to,  
5 payment of the cy pres distribution to the Center for Auto Safety.

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7 All other terms of the Judgment remain unchanged and in full force and effect.

8 IT IS SO ORDERED. ~~ØP ØSÄÜØUUÜVÁÓYÁÖT Ø ØVÜØUÜÄJPUY Ø ÖÄØØUUÙØØØÁØØS~~  
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10 DATED: 09/16/2022

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12 *Maren E. Nelson*

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