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14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN DIEGO

17 DAVID MITCHELL, individually and on
behalf of all others similarly situated,

18 Plaintiff,

19 vs.

20 THE TAUNTON PRESS, INC., a Connecticut
corporation; and DOES 1-50, inclusive,

21 Defendants.
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

08/26/2020 at 01:30:00 PM

Clerk of the Superior Court
By Tamara Parra, Deputy Clerk

CASE NO. 37-2019-00029474-CU-BT-CTL

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO MODIFY SCHEDULE FOR
SETTLEMENT ADMINISTRATION**

[IMAGED FILE]

Judge: Hon. Ronald F. Frazier
Dept.: C-65

Action Filed: June 10, 2019
Trial Date: None Set

1 On August 20, 2020, the Court entered the Order Granting Motion for Preliminary Approval
 2 of Class Action Settlement (“Order”), which includes a schedule for settlement administration.
 3 (ROA #62.) After reviewing the Order, counsel noticed that the dates interlineated in the schedule
 4 do not coincide with the sequence of events described in the same schedule and agreed to by the
 5 Parties in the Settlement Agreement. By way of example, the schedule specifies that the deadline
 6 for email dissemination of the Summary Class Notice (the “Notice Date”) is September 21, 2020,
 7 and that for intended recipients whose email notices bounce back as no longer valid or undeliverable,
 8 the Settlement Administrator must send a follow-up notice by mail on or September 8, 2020.
 9 Because the latter event necessarily occurs *after* the Notice Date, a modification is appropriate.

10 To make all of the deadlines coincide with the sequence of events and the schedule agreed
 11 to by the Parties in the Settlement Agreement, and based on the fact that the Preliminary Approval
 12 Date is August 20, 2020, plaintiff David Mitchell and defendant The Taunton Press, Inc., by and
 13 through their respective counsel of record, hereby request that the Court modify the settlement
 14 administration schedule, as follows:

<u>Current Date Specified in Order</u>	<u>Proposed Date, Based on Sequence of Events in Order and Settlement Agreement</u>	<u>Event</u>
September 8, 2020	September 8, 2020 (no change)	Deadline for Taunton to wire transfer Two Hundred Thousand Dollars (\$200,000.00) to the Settlement Administrator.
September 21, 2020	September 10, 2020 21 days after Preliminary Approval This is the Notice Date.	Deadline for the Settlement Administrator to email or mail the Summary Class Notice to Class Members. This is the “Notice Date.”

1	September 15, 2020	September 10, 2020	Deadline for Settlement Administrator to establish a Settlement Website on which it will make available the Second Amended Complaint, the Settlement Agreement, the Summary Class Notice, the Long Form Class Notice, this Order Granting Preliminary Approval, and any other materials agreed to by the parties.
2		21 days after Preliminary Approval	
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6	September 8, 2020	September 24, 2020	Deadline for the Settlement Administrator to mail the mailed Summary Class Notice to any Class Members for whom the emailed Summary Class Notice was “bounced back” as indicating that the email address is no longer valid.
7		14 days after Notice Date	
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9			
10	November 14, 2020	October 29, 2020	Exclusion/Objection Deadline; Last day for Class Members to request exclusion from the Class; last day for Class Members to file and serve any written objections to the Settlement
11		49 days after Notice Date	
12			
13	November 24, 2020	November 12, 2020	Settlement Administrator to make available to Class Counsel and Taunton’s counsel a written report listing the name and contact information of each Excluded Class Member and any person who has objected to the Settlement.
14		10 court days after Exclusion/Objection Deadline	
15			
16			
17	February 26, 2021, at 8:30 a.m.	February 26, 2021, at 8:30 a.m. (no change)	Final Approval Hearing
18			

19 IT IS SO STIPULATED.


20 Dated: August 26, 2020

DOSTART HANNINK & COVENEY LLP

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ZACH P. DOSTART
Attorneys for Plaintiff

24 Dated: August 26, 2020

BLANK ROME LLP

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ANA TAGVORYAN
Attorneys for Defendant

PROPOSED ORDER

The Court, having considered the Stipulation to Modify Schedule for Settlement Administration, and finding good cause, establishes the schedule for administration as follows:

Date	Event
September 8, 2020	Deadline for Taunton to wire transfer Two Hundred Thousand Dollars (\$200,000.00) to the Settlement Administrator.
September 10, 2020 (21 days after Preliminary Approval) This is the "Notice Date."	Deadline for the Settlement Administrator to email or mail the Summary Class Notice to Class Members. This is the "Notice Date."
September 10, 2020 (21 days after Preliminary Approval)	Deadline for Settlement Administrator to establish a Settlement Website on which it will make available the Second Amended Complaint, the Settlement Agreement, the Summary Class Notice, the Long Form Class Notice, this Order Granting Preliminary Approval, and any other materials agreed to by the parties.
September 24, 2020 (14 days after Notice Date)	Deadline for the Settlement Administrator to mail the mailed Summary Class Notice to any Class Members for whom the emailed Summary Class Notice was "bounced back" as indicating that the email address is no longer valid.
October 29, 2020 (49 days after Notice Date)	Exclusion/Objection Deadline; Last day for Class Members to request exclusion from the Class; last day for Class Members to file and serve any written objections to the Settlement
November 12, 2020 (10 court days after Exclusion/Objection Deadline)	Settlement Administrator to make available to Class Counsel and Taunton's counsel a written report listing the name and contact information of each Excluded Class Member and any person who has objected to the Settlement.
February 26, 2021, at 8:30 a.m.	Final Approval Hearing

IT IS SO ORDERED.

DATED: 08/27/2020



Hon. ~~Jeffrey B. Barton~~ Judge Ronald F. Frazier
Judge of the Superior Court

927110.3

1 **PROOF OF SERVICE**

2 ***Mitchell v. Taunton Press, Inc., Case No. 37-2019-00029474-CU-BT-CTL***

3 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

4 At the time of service, I was over 18 years of age and **not a party to this action**. I am
5 employed in the County of San Diego, State of California. My business address is 4180 La Jolla
6 Village Drive, Suite 530, La Jolla, CA 92037-1474.

7 On August 26, 2020, I served true copies of the following document described as

8 **STIPULATION AND [PROPOSED] ORDER TO MODIFY SCHEDULE**
9 **FOR SETTLEMENT ADMINISTRATION**

10 on the interested parties in this action as follows:

11 Ana Tagvoryan
12 atagvoryan@blankrome.com
13 Harrison Brown
14 hbrown@blankrome.com
15 Erika R. Schulz
16 eschulz@blankrome.com
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20 Telephone: (424) 239-3400
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22 *Counsel for Defendant*

23 **BY E-MAIL:** Based on a court order or an agreement of the parties to accept service by e-
24 mail or electronic transmission, I caused the document to be sent from e-mail address
25 ldozier@sdlaw.com to the persons at the e-mail addresses listed above. I did not receive, within a
26 reasonable time after the transmission, any electronic message or other indication that the
27 transmission was unsuccessful.

28 I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed on August 26, 2020, at La Jolla, California.

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26 
27 _____
28 Lisa A. Dozier