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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC - 5 2006 *me*

ALAN SLATER, Clerk of the Court
m. correa
BY M. CORREA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

REMIGIO LEBRILLA, et al., On Behalf of
Themselves, All Others Similarly Situated and
the General Public,

Plaintiffs,

vs.

FARMERS GROUP, INC. d/b/a FARMERS
UNDERWRITERS ASSOCIATION, et al.,

Defendants.

) Case No. 00-CC-07185
) CLASS ACTION
) Assigned To: Judge Jonathan H. Cannon
) ORDER RE: PRELIMINARY APPROVAL OF
) CLASS ACTION SETTLEMENT
) DATE ACTION FILED: 06/15/00

1 WHEREAS, the above-styled Litigation has been tried to the Court through the close of
2 evidence; and

3 WHEREAS, this Court has reviewed and considered the Stipulation of Settlement
4 (“Stipulation”) entered into among the Parties in this Litigation, together with all exhibits thereto, the
5 record in this case, and the arguments of counsel; and

6 WHEREAS, this Court preliminarily finds that the Litigation meets all the prerequisites of Cal.
7 Civ. Proc. Code §382 and Cal. Civ. Code §1781, including numerosity, ascertainability, community of
8 interest, predominance of common issues, superiority and typicality, and that Plaintiffs and Plaintiffs’
9 Counsel are adequate representatives of the Class (as defined below),

10 THEREFORE, for good cause appearing, it is hereby ordered as follows:

11 1. All capitalized terms and definitions used herein have the same meanings as set forth in
12 the Stipulation.

13 2. The proposed settlement set forth in the Stipulation is hereby preliminarily approved as
14 being within the range of reasonableness such that notice thereof should be given to the Class Members.

15 3. Pursuant to Cal. Civ. Proc. Code §382, Cal. Civ. Code §1781, and Cal. Rules of Court
16 rule 1859(c) & (d), the Court hereby certifies the following Class:

17 All persons who, from June 15, 1996 to November 1, 2006: (1) were insured by a
18 private passenger automobile insurance policy issued in the United States by Farmers;
19 (2) made a first party claim for vehicle repairs pursuant to their policy; and (3) had one
20 or more Non-OEM Crash Parts specified in their Repair Estimates.

21 4. Remigio Lebrilla, Karen Balfour and Paul Balfour are designated as Class
22 representatives. Timothy G. Blood of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, David
23 Futscher of Parry, Deering, Futscher & Sparks, PSC, H. Sullivan Bunch and Elaine A. Ryan of Bonnett,
24 Fairbourn, Friedman & Balint, P.C. are designated as Class Counsel. As Class representatives, the
25 Plaintiffs have claims typical of those held by the Settlement Class and no conflicts exist which would
26 render them unsuitable representatives. Class Counsel and the Plaintiffs are adequate representatives of
27 the Class.

28 5. Certification of the Class shall be solely for settlement purposes and without prejudice to
the Parties in the event that the Stipulation is not finally approved by this Court or otherwise does not

1 take effect in accordance with the terms of the Stipulation. Certification of the Class shall be vacated
2 and shall have no effect in the event the Stipulation is not finally approved by this Court or otherwise
3 does not take effect.

4 6. The contents of the Class Notice Package, which includes the Summary of Settlement
5 Relief, the Class Notice, the Claim Form and Farmers' Warranty, which are attached to the Settlement
6 Agreement as Exhibits F, B, A and C, respectively, are hereby approved as to form.

7 7. The Parties are hereby authorized to administer and supervise the notice plan , as more
8 fully set forth in the Stipulation, as follows:

9 (a) No later than 60 days before the Settlement Hearing, Defendants will cause the
10 Class Action Settlement Administrator to send a Class Notice Package by first-class mail, postage
11 prepaid, to each reasonably identifiable Settlement Class Member's last known address, as identified
12 pursuant to the provisions of the Stipulation, including section V.B.1 of the Stipulation, after a National
13 Change of Address ("NCOA") search has been conducted.

14 (b) Commencing no later than 60 days before the Settlement Hearing, Defendants
15 shall cause the Class Action Settlement Administrator to publish the Publication Notice, a copy of
16 which is attached to the Stipulation as Exhibit G, pursuant to the Media Plan attached to the Stipulation
17 as Exhibit H and on Farmers' internet Web site. Class Counsel shall also post the Publication Notice on
18 their internet Web sites. The Publication Notice is hereby approved as to form.

19 (c) No less than seven calendar days prior to the Settlement Hearing, Defendants'
20 Counsel shall serve on Class Counsel and file with the Court proof, by declaration, that Notice as set
21 forth in paragraphs 7(a)-(c) of this Order has been completed.

22 8. The Court finds that the forms of Notice to the Settlement Class Members regarding the
23 pendency of the Litigation and of this settlement, including the methods of dissemination to the
24 Settlement Class Members in accordance with the terms of this Order constitute the best notice
25 practicable under the circumstances and constitute valid, due and sufficient Notice to all Settlement
26 Class Members, complying fully with the requirements of Cal. Civ. Proc. Code §382, Cal. Civ. Code
27 §1781, the California and United States Constitutions, and any other applicable law.

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1 9. The Court hereby approves Rust Consulting, Inc. and Kinsella/Novak Communications
2 Ltd. as Class Action Settlement Administrators (the "Administrators"). The Administrators shall be
3 responsible for performing the acts specified in the Stipulation and such other acts upon which the
4 Parties may agree.

5 10. Any Settlement Class Member who does not, in connection with the Settlement Notices,
6 file a valid and timely request for exclusion, will be bound by the Judgment, dismissing the Litigation
7 on the merits and with prejudice.

8 11. Any Settlement Class Member may enter an appearance in the Litigation and/or may
9 seek to intervene in the Litigation, individually or through the counsel of their choice at his or her
10 expense. Settlement Class Members who do not enter an appearance and do not exclude themselves
11 from the Class will be represented by Class Counsel.

12 12. Any Settlement Class Member who seeks to be excluded from the Class must send a
13 request by first-class mail, postmarked on or before March 30, 2007 to:

14 Non-OEM Parts Settlement Administration Center
15 Post Office Box 1445
16 Minneapolis, Minnesota 55440-1445

17 13. Objections by any Settlement Class Member to: (a) the certification of the Class and the
18 proposed settlement contained in the Stipulation and described in the Class Notice; (b) the payment of
19 fees and reimbursement of expenses to Plaintiff's Counsel; and/or (c) entry of the Judgment shall be
20 heard, and any papers submitted in support of said objection shall be considered by the Court at the
21 Settlement Hearing only if, on or before March 30, 2007, such objector files with the Clerk of the
22 Superior Court of the County of Orange: (1) a notice of his, her or its objection and a statement of the
23 basis for such objection; (2) if applicable, a statement of his, her or its intention to appear at the
24 Settlement Hearing; (3) documentary proof that he, she or it is a Member of the Settlement Class,
25 including the policy or claim number of the auto physical damage claim made by the objector that
26 resulted in the specification of a Non-OEM Crash Part that is the subject of this Litigation; and
27 (4) serves copies of the foregoing and all other papers in support of such objections (including any
28 briefs or declarations) on counsel for the Parties identified in the Class Notice. In order to be
considered for hearing, all objections must be actually received by the counsel identified in the Class

1 Notice on or before March 30, 2007. A Settlement Class Member need not appear at the Settlement
2 Hearing in order for his, her or its objection to be considered.

3 14. No later than seven days before the Settlement Hearing, the Parties shall file all papers in
4 support of the Application for Final Approval of the Settlement, the Application for Payment of
5 Attorneys' Fees and Reimbursement of Expenses, and/or any papers in response to any valid and timely
6 objection with the Court, and shall serve copies of such papers upon each other and upon any objector
7 who has complied with the provisions of paragraph 13 of this Order.

8 15. A hearing (the "Settlement Hearing") shall be held by the Court on May 2, 2007 at
9 8:30 a.m., in Department CX102 at the Superior Court for the County of Orange, Civil Complex Center,
10 751 West Santa Ana Boulevard, Santa Ana, California 92701, to consider and determine whether the
11 requirements for certification of the Class have been met, and whether the proposed settlement of the
12 Litigation on the terms set forth in the Stipulation should be approved as fair, just, reasonable, adequate
13 and in the best interests of the Class; whether Plaintiffs' Counsel's attorneys' fees and reimbursement of
14 expenses should be approved; and whether the Judgment approving the settlement and dismissing the
15 Litigation on the merits and with prejudice against the Plaintiffs and all Settlement Class Members who
16 have not properly been excluded should be entered.

17 16. The Settlement Hearing may, from time to time and without further notice to the
18 Settlement Class Members (except those who have filed timely and valid objections), be continued or
19 adjourned by order of the Court.

20 17. All reasonable costs incurred in identifying and notifying Settlement Class Members, as
21 well as administering the settlement claims process, shall be paid as set forth in the Stipulation. In the
22 event that the Stipulation is not approved by the Court, or otherwise fails to become effective, neither
23 the Plaintiffs nor any of Plaintiffs' Counsel shall have any obligation to repay the amounts actually and
24 properly disbursed to accomplish such notice and administration.

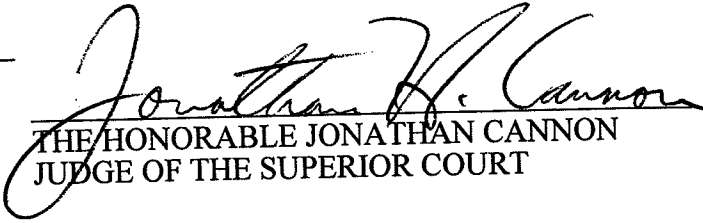
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18. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement that are not materially inconsistent with either this Order or the terms of the Stipulation.

IT IS SO ORDERED.

DATED: DEC 5 2006


THE HONORABLE JONATHAN CANNON
JUDGE OF THE SUPERIOR COURT