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18 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF CONTRA COSTA**

20 NATHAN COZZITORTO, *et al.*;

21 Plaintiffs,

22 vs.

23 AMERICAN AUTOMOBILE ASSOCIATION OF
NORTHERN CALIFORNIA, NEVADA & UTAH,
24 *et al.*,

Defendants.

Case No. C13-02656

Assigned to Dept. 17

**STIPULATED PROCEDURE
REGARDING CLASS NOTICE**

25 AND RELATED CROSS ACTION.
26
27
28

1 **STIPULATED PROCEDURE FOR CLASS NOTICE**

2 Plaintiffs Nathan Cozzitorto, Rena Cozzitorto, Michael Cozzitorto, Sr., and Cozz's Auto
3 Body & Service, Inc. ("Plaintiffs") and Defendant American Automobile Association of Northern
4 California, Nevada & Utah ("AAA NCNU") (collectively the "Parties"), by and through their
5 respective counsel of record, hereby submit the following class notice procedure concurrently with
6 the Parties' Stipulation Regarding Class Notice.

7 **I. NOTICE TO 17200 CLASS AND THE OWNER SUBCLASS**

8 The Parties agree that the Court should order all contract stations that contracted with AAA
9 NCNU to provide emergency road service to AAA members in the State of California from
10 December 13, 2009 to the present to produce to the agreed upon third-party administrator contact
11 information for all employees who performed emergency road services for AAA members (as
12 drivers, dispatchers, administrators, fleet mechanics, and/or managers/supervisors) between
13 December 13, 2009 and the present. The information produced by contract stations to the third-
14 party administrator should include the employee's name, mailing address, telephone and e-mail
15 address if the contract station possesses this information. Alternatively, if a contract station does
16 not possess the requested information, it must return a response to the third-party administrator
17 explaining that it cannot comply with the Court's Order. The Parties' proposed Order directing
18 contract stations to produce class member contact information is attached hereto as Exhibit E.¹

19
20 To obtain the contact information of Class and Subclass members, and to distribute the
21 class notices, the Parties propose the following steps:

22 First, AAA NCNU shall provide the third-party administrator with the names and last
23 known contact information (mailing address, telephone number and e-mail address, to the extent
24 such information is available) of each contract station that contracted with AAA NCNU to provide
25 emergency road service to AAA members in the State of California from December 13, 2009 to
26 the present. AAA NCNU shall provide this information to the third-party administrator no later
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¹ This Order also includes language directing the contract stations/owners to post the Short Form
Publication Notice, Exhibit D, in their contract stations where employees can see it. *See* Method
of Notice No. 7, below.

1 than two weeks after the Court approves this procedure and issues the below order regarding class
2 notice.

3 Second, the Parties shall provide the third-party administrator with the Order directing
4 contract stations to produce Class and Subclass member contact information upon its entry.

5 Third, the third-party administrator shall distribute the Court's Order to each contract
6 station that contracted with AAA NCNU to provide emergency road service to AAA members in
7 the State of California from December 13, 2009 to the present via U.S. Mail, and, where possible,
8 e-mail. Each mailing shall include a stamped envelope pre-addressed to the third-party
9 administrator. The Parties shall also ask the Clerk to set a Case Management Conference for
10 approximately forty-five (45) days after the third-party administrator distributes the Court's Order
11 so that the Court and the Parties may determine whether any follow-up with contract stations is
12 necessary after the fifth step (below) occurs.

13 Fourth, contract stations shall have twenty-one (21) days from the third-party
14 administrator's mailing/electronic transmittal of the Court's Order to provide the following
15 information to the third-party administrator via U.S. Mail or e-mail:

- 16
- 17 a. The name, mailing address, telephone number and e-mail address of each
18 contract station employee who performed emergency road services for AAA
19 members (as a driver, dispatcher, administrator, fleet mechanic, and/or
20 manager/supervisor) between December 13, 2009 and the present; and
 - 21 b. The name, mailing address, telephone number and e-mail address of each
22 current or former contract station owner who performed emergency road services
23 for AAA members (as a driver, dispatcher, administrator, fleet mechanic, and/or
24 manager/supervisor) between December 13, 2009 and the present.
 - 25 c. Alternatively, if a contract station does not possess any information
26 regarding its employees or owners, a brief letter explaining why it cannot comply
27 with the Court's Order for this reason.

28 Fifth, the third-party administrator shall issue a report to the Parties detailing the contract
stations' response rate within fourteen (14) days of the contract stations' deadline to return the

1 requested contact information. Following the issuance of this report, the Parties shall appear at the
2 aforementioned case management conference to address whether any additional efforts are
3 necessary to obtain contract stations' compliance with the Court's Order to produce contact
4 information.

5 Sixth, following the case management conference and the completion of any actions
6 ordered by the Court to obtain contract stations' compliance with the Court's Order to produce
7 contact information, the third-party administrator shall compile lists comprised of the members of
8 the 17200 Class and the Owner Subclass and distribute the agreed upon class notices to each
9 Class/Subclass member via U.S. Mail, and, where possible, e-mail. Concurrently with the
10 mailing/electronic transmittal of the class notices, notice shall be published and/or posted as
11 described below. To ensure that contract stations post notices, as described below, the Parties
12 propose that the Court enter an Order directing such action which would then be distributed to
13 contract stations (Exhibit F hereto) by the third-party administrator via U.S. Mail and, where
14 possible, e-mail, along with a copy of the notice to be posted.

15 After the class notices are disseminated, published and/or posted, Class and Subclass
16 members shall have 30 days to request exclusion via U.S. Mail, e-mail, or online via the class
17 action website, if they so desire.

18 **II. NOTICE TO BREACH OF CONTRACT CLASS**

19 The Parties propose the following steps to distribute class notices to the Breach of Contract
20 Class.

21 First, AAA NCNU shall provide the third-party administrator with a list of all contract
22 stations that contracted with AAA NCNU to provide emergency road service to AAA members in
23 the State of California from December 13, 2009 to the present containing the station's name, last
24 known mailing address, last known email address, last known telephone number, and designated
25 primary owner(s). AAA NCNU shall provide this list to the third-party administrator no later than
26 two weeks after the Court issues its order regarding class notice. After the third-party
27 administrator receives the list, direct notice will be provided to contract stations via U.S. Mail and,
28 where possible, e-mail, supplemented by publication notice, as set forth below. Contract stations

1 will have 30 days to exclude themselves from the Class via U.S. Mail, e-mail, or online via the
2 class action website.

3 **III. METHODS OF NOTICE**

4 The following are the methods of notice that the third-party administrator plans to use:

- 5 1. Direct mailing for all Class and Subclass members whose physical addresses are
6 obtained;
- 7 2. Direct e-mailing for all Class and Subclass members whose e-mail addresses are
8 obtained;
- 9 3. Publication in various regional newspapers throughout Northern California,
10 including major metropolitan newspapers such as:
 - 11 • *Redding Record Searchlight*;
 - 12 • *Eureka Times-Standard*;
 - 13 • *Fresno Bee*;
 - 14 • *Monterey County Herald*;
 - 15 • *Sacramento Bee*;
 - 16 • *Bay Area News Group* (combination of *Contra Costa Times*, *West*
17 *County Times*, *San Jose Mercury News*, *San Mateo County Times*, *San*
18 *Ramon Valley Times*, *Valley Times*, *Tri-Valley Herald*, and *Alameda*
19 *Times-Star*);
 - 20 • *Santa Rosa Press Democrat*; and
 - 21 • *San Francisco Chronicle*;
- 22 4. E-mail blast to all members of the California Tow Truck Association (CTTA);
- 23 5. E-mail blast to all members of the United Coalition for Motor Club Safety;
- 24 6. Link to the Class Action Website from the CTTA and UCMCS websites;
- 25 7. Contract Station posting;
- 26 8. AAA NCNU Club Owned Fleet posting; and
- 27 9. Class Action Website.
- 28

1 **IV. PROPOSED CLASS NOTICES AND PROPOSED ORDER RE: CLASS MEMBER**
2 **CONTACT INFORMATION**

3 The Parties, having met and conferred, jointly submit the attached class notices and ask that
4 the Court approve them:

- 5 • Exhibit A: Long Form 17200 Class Notice;
- 6 • Exhibit B: Long Form Owner Subclass Notice;
- 7 • Exhibit C: Long Form Breach of Contract Notice; and
- 8 • Exhibit D: Short Form Summary Notice.

9 In addition, the Parties stipulate and agree that, subject to the Court's revisions, the
10 proposed Order attached hereto as Exhibit E should be adopted by the Court and distributed to all
11 contract stations that contracted with AAA NCNU to perform emergency road services for AAA
12 members in California from December 13, 2009 through the present, via U.S. Mail and e-mail
13 (where possible), by the third-party administrator. Further, the Parties stipulate and agree that,
14 subject to the Court's revisions, the proposed Order attached hereto as Exhibit F should be
15 adopted by the Court and distributed to these same contract stations, via U.S. Mail and e-mail
16 (where possible), by the third-party administrator, along with a copy of the Short Form Summary
17 Notice (Exhibit D hereto). The Parties shall submit proposed final versions of Exhibits E and F
18 hereto which reflect the Court's revisions (if any) for the Court's signature following entry of the
19 Proposed Order below.
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26 Dated: June ____, 2017

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Dated: June ____, 2017

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Attorneys for Defendant

ORDER

Pursuant to the stipulation of the Parties attached hereto and good cause appearing, the following class notices shall be issued pursuant to the procedure and methods as described in the Parties' stipulation:

- Exhibit A: Long Form 17200 Class Notice;
- Exhibit B: Long Form Owner Subclass Notice;
- Exhibit C: Long Form Breach of Contract Notice; and
- Exhibit D: Short Form Summary Notice.

Further, the Court hereby adopts the Parties' proposed Order Re: Class Member Contact Information and Posting (Exhibit E) and the Parties' proposed Order Re: Class Notice Posting (Exhibit F). The Parties are hereby directed to submit proposed final versions of both documents for the Court's signature.

IT IS SO ORDERED.



Hon. Barry Goode
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ou,
email=cxlit@contracosta.c
ourts.ca.gov, c=US
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Dated: June 13, 2017

HONORABLE BARRY P. GOODE