

1 NIALL P. McCARTHY (SBN 160175)
nmccarthy@cpmlegal.com
2 ERIC J. BUESCHER (SBN 271323)
ebuescher@cpmlegal.com
3 STEPHANIE D. BIEHL (SBN 306777)
sbiehl@cpmlegal.com
4 **COTCHETT, PITRE & McCARTHY, LLP**
840 Malcolm Road, Suite 200
5 Burlingame, CA 94010
Telephone: (650) 697-6000
6 Facsimile: (650) 697-0577

7 MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
8 **SHER EDLING LLP**
9 100 Montgomery Street, Suite 1410
San Francisco, CA 94104
10 Telephone: (628) 231-2500

11 *Class Counsel*

12
13 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF CONTRA COSTA**

15 NATHAN COZZITORTO, RENA
16 COZZITORTO, AND MICHAEL
17 COZZITORTO SR., individually and d/b/a/
18 COZZ'S AUTO BODY & SERVICE INC.; on
behalf of themselves and all others similarly
situated;

19 Plaintiffs,

20 vs.

21 AMERICAN AUTOMOBILE ASSOCIATION
OF NORTHERN CALIFORNIA, NEVADA &
22 UTAH, a California nonprofit mutual benefit
corporation, f/k/a CALIFORNIA STATE
23 AUTOMOBILE ASSOCIATION; and DOES 1
through 50.

24 Defendants.

25
26 AND RELATED CROSS-ACTION.

Case No. C13-02656

**ORDER PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT AND PROVIDING FOR
NOTICE**

Hearing Date: December 13, 2018

Time: 9:00 a.m.

Judge: Hon. Edward G. Weil

Department: 39

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LAW OFFICES
COTCHETT, PITRE
& McCARTHY, LLP
**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT
AND PROVIDING FOR NOTICE; Case No. C13-02656**

1 **ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT**

2 WHEREAS, Plaintiffs Nathan Cozzitorto, Rena Cozzitorto, Michael Cozzitorto, Sr., and
3 Cozz's Auto Body & Service, Inc. have filed their Unopposed Motion for Preliminary Approval
4 of Class Action Settlement and request the Court enter a Preliminary Approval Order: (i) setting
5 a hearing to consider (a) final approval of a settlement of the above-captioned Class Action (the
6 "Action") in accordance with the Settlement Agreement between the Parties (the "Settlement");
7 (b) entry of judgment based on the terms and conditions set forth in the Settlement; (c) an award
8 of attorneys' fees and reimbursement of litigation expenses for Class Counsel ("Fee and Expense
9 Award"); and (d) incentive awards to the Class Representatives; and (ii) approving the form and
10 content of the Notices of Hearing and Proposed Settlement (the "Notices"), attached to the
11 Settlement as Exhibits A-C;

12 WHEREAS, the Court has read and considered the Settlement and the exhibits attached
13 thereto;

14 WHEREAS, the Settlement appears to be the product of serious, informed, non-collusive
15 negotiations and falls within the range of reasonableness of a settlement that ultimately could be
16 granted final approval by the Court; and

17 WHEREAS, the Parties have consented to the entry of this Order;

18 NOW THEREFORE, IT IS HEREBY ORDERED that:

19 1. Except for the terms defined herein, the Court adopts and incorporates the
20 definitions in the Settlement for purposes of this Order.

21 2. Because the Court finds the terms of the Settlement to be within the range of
22 reasonableness of a settlement that ultimately could be granted final approval by the Court, a
23 hearing (the "Final Approval Hearing") will be held before the Court on May 9, 2019 at 9:00
24 a.m. in Department 39, located at 725 Court Street, Martinez CA 94553 to:

25 i) Determine whether the Settlement should be approved as fair, reasonable,
26 and adequate to Class Members;

27 ii) Determine whether a Judgment should be entered in the Action;

28 **ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT
AND PROVIDING FOR NOTICE; Case No. C13-02656**

1 iii) Determine whether Class Counsel's application for a Fee and Expense
2 Award, including an award of attorneys' fees and reimbursement of litigation should be granted;

3 iv) Determine whether the Class Representatives' application for Incentive
4 Awards of \$7,500 should be granted; and

5 v) Rule on such other matters as the Court may deem appropriate.

6 3. The Court reserves the right to adjourn the Final Approval Hearing or any
7 adjournment thereof, including the consideration of the application for a Fee and Expense Award
8 or an Incentive Award, without further notice of any kind other than oral announcement at the
9 Final Approval Hearing or any adjournment thereof, and retains jurisdiction over the Action to
10 consider all further applications arising out of or connected with the proposed Settlement.

11 4. The Court reserves the right to approve the Settlement at or after the Settlement
12 Hearing.

13 5. Within 35 days of this order (by January 21, 2019), Class Counsel or its retained
14 administrator shall cause the Notices, in substantially the same forms attached to the Settlement
15 Agreement as Exhibits A-C, to be mailed to all Class Members, e-mailed to Class Members, and
16 publicized in accordance with the Notice Plan set forth in the Settlement Agreement.

17 6. The form and methods of notice referenced in the preceding paragraph is the best
18 notice practicable, constitutes due and sufficient notice of the Final Approval Hearing to all
19 persons entitled to receive such a notice, includes all information required by California Rule of
20 Court 3.769(f), including an explanation of the proposed Settlement and procedures for Class
21 Members to follow in filing written objections, in arranging to appear at the Final Approval
22 Hearing, and state any objections to the proposed Settlement, and meets the requirements of all
23 applicable law. Class Counsel shall file with the Court an appropriate affidavit with respect to
24 the preparation and mailing of the Notice before the Final Approval Hearing.

25 7. Any 17200 Class Member who wishes to receive a Settlement Share must submit
26 his or her claim form to the Settlement Administrator 45 days after Notices are issued (by March
27 7, 2019).
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1 8. All proceedings in the Action, except for those activities and proceedings relating
2 to the Settlement, are hereby stayed and suspended until further order of this Court.

3 9. Class Counsel and the Class Representatives shall serve and file their brief and
4 supporting papers in support of the application for the Fee and Expense Award and Service
5 Award no later than 16 court days before the Final Approval Hearing (by April 17, 2019).

6 10. Any Class Member may object and/or appear and show cause, if he, she, or it has
7 any concern, why the Settlement should not be approved as fair, reasonable, and adequate, why
8 the Final Order and Judgment should not be entered thereon, or why the application for a Fee and
9 Expense Award or an Incentive Award should not be approved. If any Class Member wants to
10 appear at the Hearing to object to the Settlement, Fee and Expense Award, or Incentive Award,
11 then such Class Member must first file with the Clerk of the Court a Notice to Appear indicating
12 their intent to appear to present their objection. The Notice to Appear must be filed with the
13 Court not later than 14 calendar days prior to the Final Approval Hearing (by April 25, 2019),
14 and include the Class Member's name, legal address, telephone number, and signature. If any
15 Class Member wants to submit any papers, briefs or other documents objecting to the Settlement,
16 Fee and Expense Award, or Incentive Award, then such objection must be filed with the Clerk of
17 the Court no later than 30 calendar days (by February 20, 2019) after Notice is distributed. The
18 objection to the Settlement must set forth the Class Member's name, legal address, telephone
19 number and signature, and provide each objection being made and the grounds for each
20 objection, along with written notice of whether the Class Member intends to appear at the Final
21 Approval Hearing.

22 11. If any Class Member files a Notice to Appear or written objection with the Court,
23 such Class Member must also simultaneously serve copies of such Notice to Appear or written
24 objection, together with copies of any other papers or briefs such Class Member files with the
25 Court, upon each of the following:
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1 Settlement Administrator:

2 Cozzitorto v. AAA
3 c/o GCG
4 P.O. Box 9349
5 Dublin, Ohio 43017-4249

6 12. The Settling Parties have the right, but are not required to, submit a response to
7 any objections to the Settlement not later than 7 calendar days prior to the Final Approval
8 Hearing (by May 2, 2019).

9 13. The Final Approval Hearing shall occur on May 9, 2019 at 9:00 a.m. in
10 Department 39 of the above-captioned court.

11 14. Any Class Members who do not make his, her, or its objection in the manner and
12 within the time prescribed above shall be deemed to have waived the right to object (including
13 the right to appeal) and shall forever be barred, in this proceeding or in any other proceeding,
14 from raising such objection(s), but shall otherwise be bound by the Final Order and Judgment to
15 be entered and the releases to be given. However, failure to submit a written objection by the
16 deadline in Paragraph 10, above, does not preclude a Class Member from appearing at the Final
17 Approval Hearing to make an objection to the proposed Settlement

18 15. The Court may, for good cause, extend any of the deadlines set forth in this Order
19 without further notice to Class Members.

20 IT IS SO ORDERED.

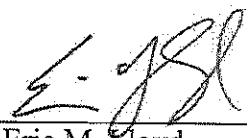
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22 Dated: December 14, 2018



HONORABLE EDWARD G. WEIL

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25 APPROVED AS TO FORM:

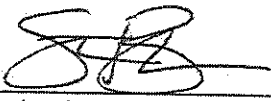
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27 Dated: December 14, 2018



Eric M. Lloyd

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Dated: December 14, 2018


Stephanie D. Biehl

Dated: December 14, 2018


Matthew K. Edling