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7 Kenneth M. Lipton (SBN 82342)
8 5900 Sepulveda Blvd., Suite 400
Van Nuys, CA 91411-2580
9 Telephone (818) 780-3562

10 Attorneys for Plaintiff, LENELL TIMBERLAKE

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

14 LENELL TIMBERLAKE, on behalf of
15 himself and all others similarly situated,

16 Plaintiffs,

17 v.

18 FUSIONE INC., a California Corporation,
doing business as UNICI CASA and
19 SOCIETY UNICI, and DOES 1 through 100,
Inclusive.

20 Defendants.

CASE NO. BC616783
NOTICE OF RULING ON PLAINTIFF'S
MOTION FOR APPROVAL OF CLASS
NOTICE

Assigned for all purposes to the:
Honorable Carolyn B. Kuhl, Dept. 309

SSC-12

22 Plaintiff's motion for approval of class notice came on for hearing on August 9, 2018, in
23 Department 309 of the Los Angeles Superior Court. David Greifinger appeared for plaintiff.
24 Theodore Spanos of Samini Scheinberg PC appeared for defendant by telephone. After
25 considering the memoranda, declarations, and admissible evidence submitted by the parties, and
26 after oral argument, the court granted plaintiff's motion for approval of class notice. The court
27 ordered the opt-out deadline to be 45 days following the mailing of notice. A copy of the court's
28 order is attached as Exhibit "A."

FILED
Superior Court of California
County of Los Angeles

AUG 14 2018

Sherril B. Carter, County Officer/Clerk
By Marion Gomez Deputy

RECEIVED
AUG 14 2018
FILING WINDOW

1 The court set a further status conference for February 5, 2019, at 10:00 a.m., with a joint
2 FSC statement due five days before. The court set the final status conference for June 19, 2019,
3 at 1:45 p.m. The parties are to follow the Rules of Court, and additionally to file a joint witness
4 list with time estimates for direct and cross examination. Trial is set for July 8, 2019, at 10:00
5 a.m. All proceedings are in Department 12 of the Los Angeles Superior Court at 312 North
6 Spring Street, Los Angeles, CA 90012.

7 DATED: August 9, 2018

LAW OFFICES OF DAVID R. GREIFINGER

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10 By: DAVID R. GREIFINGER, ESQ.
11 Attorney for Plaintiffs
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1 PROOF OF SERVICE

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3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)
5

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18
7 years and not a party to the within action; my business address is: Law Offices of David Greifinger,
8 15515 Sunset Blvd., No. 214, Pacific Palisades, CA 90272.

9 On August 9, 2018, I served the foregoing document described as **[proposed] ORDER ON**
10 **PLAITNIFF'S MOTION FOR APPROVAL OF CLASS NOTICE** on the interested parties in
11 this action by placing a true copy thereof in a sealed envelope addressed as follows:

12 **SEE ATTACHED SERVICE LIST**

13 X **BY MAIL** - I deposited such envelope in the mail at Los Angeles, California. The envelope
14 was mailed with postage thereon fully prepaid.

15 I am "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. Under that practice, it would be deposited with the U.S.
17 Postal Service on the same day with postage thereon fully prepaid at Los Angeles,
18 California in the ordinary course of business. I am aware that on motion of the party
19 served, service is presumed invalid if postal cancellation date or postage meter date
20 is more than one day after date of deposit for mailing in affidavit.

21 **BY PERSONAL SERVICE** - I delivered such envelope by hand to the offices of the
22 addressee.

23 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court
26 at whose direction the service was made.

27 Executed on August 9, 2018, at Pacific Palisades, California.

28 David Greifinger
Type or Print Name

David Greifinger
Signature

08/20/2018

PROOF OF SERVICE LIST

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Mr. Bobby Samini, Esq.
Samini Scheinberg, PC
840 Newport Center Drive, Suite 700
Newport Beach, CA 92660

08 / 20 / 2018



Ex. A

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 09 2018

Sherri R. Carter, Executive Officer/Clerk
By: Jan Josef Manrique, Deputy

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13 **FOR THE COUNTY OF LOS ANGELES**

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JUL 10 2018

FILING WINDOW

14 LENELL TIMBERLAKE, on behalf of
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16 Plaintiffs,

17 v.

18 FUSIONE INC., a California Corporation,
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19 SOCIETY UNICI, and DOES 1 through 100,
Inclusive.

20 Defendants.

CASE NO. BC616783

REVISED [REDACTED] ORDER ON
PLAINTIFF'S MOTION FOR
APPROVAL OF CLASS NOTICE

Assigned for all purposes to the:
Honorable Carolyn B. Kuhl, Dept. 309

Date: April 9, 2018 [Reserved]

Time: 11:00 a.m.

Dept: 309

23 Plaintiff's motion for approval of class notice came on for hearing on April 9, 2018, in
24 Department 309 of the Los Angeles Superior Court. David Greifinger appeared for plaintiff.
25 Samini Scheinberg PC appeared for defendant. After considering the memoranda, declarations,
26 and admissible evidence submitted by the parties, and after oral argument, the court grants
27 plaintiff's motion for approval of class notice as follows:
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08/20/2018

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1. The proposed class notice attached to plaintiff's motion as Exhibit A is approved;
2. The manner of notice proposed by plaintiff is approved;
3. JND Legal Administration is approved as Notice Administrator;
4. Defendant shall provide names and contact information for all putative class members to the Notice Administrator on or before Oct. 9, 2018;
5. The Notice Administrator shall give notice to the class members on or before Nov. 30, 2018; and
6. The parties shall share equally the costs of class notice.

IT IS SO ORDERED.

DATE: Aug. 9, 2018 Cawley E. Kane
Judge of the Superior Court

08/20/2018