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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Sarmad Syed, an individual, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

M-I LLC, a Delaware Limited Liability Company,
PreCheck, Inc., a Texas Corporation, and Does 1
through 10,

Defendants.

Case No. 1:14-cv-00742-WBS-BAM

Assigned for all purposes to:
Hon. William B. Shubb, Courtroom 5

**STIPULATION REGARDING
DISBURSEMENT OF CY PRES FUNDS;
[Proposed] ORDER**

COME NOW, Plaintiff SARMAD SYED and Defendant PRECHECK, INC. (“PreCheck” or
“Defendant”), by and through their undersigned counsel, and hereby stipulate to, and move the Court for
an order allowing disbursement of cy pres funds as outlined below.

On September 16, 2015, the parties submitted a Stipulation and Proposed Order re Preliminary
Approval of Class Action Settlement, which stated in part:

E. Cy Pres Fund.

Any uncashed settlement compensation from the Settlement Fund after
distributing the Net Settlement Fund and after the 180-day period for negotiating checks
will constitute a cy pres fund which will be donated to a mutually agreed upon and non-
controversial charity, approved by the Court that serves interests that are aligned with
those of the Settlement Class.

1 See Stipulation and Proposed Order re Preliminary Approval of Class Action Settlement
2 [Dkt. No. 71].

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4 A Preliminary Approval Order [Dkt. No. 73] was entered by the Court on September 18, 2015.
5 A Final Approval Hearing took place on January 25, 2016 [Dkt. No. 78], and the Final Approval Order
6 [Dkt. No. 79] was entered on January 26, 2016.

7 Pursuant to the Approval Orders, class members were notified and settlement checks mailed out.
8 The deadline for negotiating settlement checks was August 22, 2016. A total of 24,995 checks remained
9 uncashed and subsequently cancelled, leaving \$385,798.81 in the Settlement Fund.

10 A cy pres fund in the amount of \$385,798.81 therefore remains.

11 Due to the general nature of this lawsuit (employment background check certification under the
12 Fair Credit Reporting Act), the parties agreed upon selecting nonprofit organizations devoted to job
13 rehabilitation and training to those in need. Since the cy pres fund is large, and to affect a wider
14 population and demographic, the parties have further agreed that the fund be distributed equally among
15 the following three organizations:

16 1. **Jewish Vocational Service (JVS)** – A nonprofit with a staff of 200 and
17 offices throughout Southern California. According to its website, “JVS helps people of
18 all faiths and backgrounds navigate the changing job market, overcome barriers to
19 employment and keep their dreams intact.” JVS was profiled favorably in a 2013 posting
20 in the Huffington Post.

21 2. **Homeboy Industries** – This organization is focused on providing jobs and
22 job training to former gang members. According to its website: “Homeboy Industries
23 provides hope, training, and support to formerly gang-involved and previously
24 incarcerated men and women allowing them to redirect their lives and become
25 contributing members of our community.” Homeboy Industries is very prominent in the
26 Los Angeles area. Its founder is a Jesuit priest who was recently awarded “Peacemaker
27 of the Year.”

28 3. **Job Train** – A nonprofit educational and training institution based in

1 Northern California (San Francisco Bay area). According to its website: “JobTrain is
2 committed to helping those who are most in need to succeed. Our purpose is to improve
3 the lives of people in our community through assessment, attitude and job skills training,
4 and high potential career placement.”

5
6 The parties therefore respectfully request that the Court approve of the disbursement of the cy
7 pres fund equally between the three job training and rehabilitation nonprofits above.

8
9 **IT IS SO STIPULATED.**

10 Date: October 20, 2016

PETER R. DION-KINDEM, P.C.

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13 By: /s/ Peter R. Dion-Kindem
14 PETER R. DION-KINDEM
15 Attorneys for Plaintiff
SARMAD SYED

16 Date: October 20, 2016

NELSON ♦ GRIFFIN LLP

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18 By: /s/ Raymond J. Muro
19 RAYMOND J. MURO
20 Attorneys for Defendant
21 PRECHECK, INC.


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ORDER

Pursuant to the parties' stipulation and motion, and good cause appearing, IT IS HEREBY ORDERED that the cy pres fund of \$385,798.81 be distributed equally (or as equally as possible) to the following three nonprofit organizations: Homeboy Industries, Jewish Vocational Service, and Job Train.

IT IS SO ORDERED.

Dated: October 24, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE