

1 KEMNITZER, BARRON AND KRIEG
 2 BRYAN KEMNITZER Bar No. 066401
 3 NANCY BARRON Bar No. 099278
 4 ELLIOT CONN Bar No. 279920
 5 445 Bush St., 6th Floor
 6 San Francisco, CA 94108
 7 Telephone: (415) 632-1900
 8 Facsimile: (415) 632-1901
 9 Attorneys for BOR PHA, NOU LEE and the putative class

10 THE COSTA LAW FIRM
 11 DANIEL P. COSTA Bar No. 110919
 12 2489 Sunrise Blvd., Ste. A
 13 Gold River, CA 95670
 14 Telephone: (916) 400-2734
 15 Facsimile: (916) 400-2744
 16 Attorneys for Defendants YIA YANG, YIA YANG dba YIA'S AUTO SALES, YIA YANG dba
 17 PLATINUM FINANCIAL and YIA'S AUTO SALES, INC.

18 UNITED STATES DISTRICT COURT
 19 FOR THE EASTERN DISTRICT OF CALIFORNIA
 20 SACRAMENTO DIVISION

21 BOR PHA and NOU LEE,

22 **Case No. 2:12-cv-01580-TLN-DAD**

23 Plaintiffs,

24 CLASS ACTION

25 vs.

26 **STIPULATION AND ORDER**
 27 **REGARDING DISTRIBUTION OF**
 28 **RESIDUAL TO ALTERNATIVE *CY PRES***
RECIPIENTS

29 YIA YANG; YIA YANG dba YIA'S AUTO
 30 SALES; YIA YANG dba PLANTINUM
 31 FINANCIAL; YIA'S AUTO SALES, INC.;
 32 GREAT AMERICAN INSURANCE
 33 COMPANY and DOES 3 through 10,
 34 inclusive

35 Defendants.

36 _____/

1 WHEREAS, the parties to the above matter entered into a Settlement Agreement which was
2 preliminarily approved by the Court on January 7, 2015;

3 WHEREAS, the Court entered a final approval order granting class action settlement on
4 August 17, 2015;

5 WHEREAS, the parties have carried out the terms of the Settlement Agreement and the Court
6 Order;

7 WHEREAS, the checks were sent out by Heffler Claims Group with a letter in Hmong,
8 explaining the check as being from a settlement and that it should be cashed;

9 WHEREAS, the checks have now past their stale date;

10 WHEREAS, the current balance in the class administrator's account is 98,902.39;

11 WHEREAS, there are outstanding invoices for class administration in the amount of
12 \$15,656.53;

13 WHEREAS, after deduction for the costs of class administration, there is a remaining
14 \$83,245.86 for distribution to the *cy pres* recipient;

15 WHEREAS, the parties had agreed and the Court had approved as the *cy pres* recipient the
16 Hmong Woman's Heritage;

17 WHEREAS, the parties have attempted to locate the Hmong Woman's Heritage, but have
18 determined that the organization is no longer in existence, that its website is no longer up, and the
19 phones have been disconnected;

20 WHEREAS, the parties therefore believe it is appropriate to select alternative recipient for *cy*
21 *pres*;

22 WHEREAS, the parties believe the California Rural Legal Assistance Foundation and the
23 California Rural Legal Assistance would be appropriate recipients.

24 **THE PARTIES STIPULATE AS FOLLOWS:**

25 Based upon the fact that the Hmong Women's Heritage Association is no longer in existence,
26 its website is down, and the phones have been disconnected, the parties stipulate the appropriate
27 alternative recipients of the *cy pres* after payment of class administration is the California Rural Legal
28

1 Assistance Foundation and the California Rural Legal Assistance are appropriate recipients and
2 should receive *cy pres* in equal amounts.

3 IT IS SO STIPULATED.

4 Dated: November 10, 2016

KEMNITZER, BARRON & KRIEG, LLP

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By: /s/ Bryan Kemnitzer

BRYAN KEMNITZER

Attorneys for Plaintiff

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Dated: September____, 2016

THE COSTA LAW FIRM

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By: _____

DANIEL P. COSTA

Attorneys for Defendants YIA YANG, YIA YANG
dba YIA'S AUTO SALES and YIA'S AUTO
SALES, INC.

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ORDER

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The Court, having reviewed the stipulation of the parties and good cause appearing, it is
ordered as follows:

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From the current balance in the account of \$98,902.39, Heffler Claims Group is to be paid
\$15,656.53 for class administration.

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Heffler Claims Group is to distribute the remaining residual of \$83,245.86 divided equally
in the amount of \$41,622.93 in checks made out to the California Rural Legal Assistance
Foundation and the California Rural Legal Assistance.

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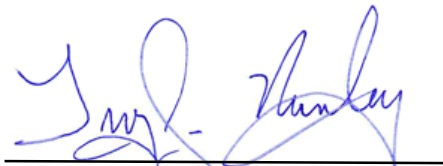
SO ORDERED.

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Dated: November 16, 2016

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Troy L. Nunley
United States District Judge

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