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10 Attorneys for Plaintiff Beau Bangert, on behalf of himself and a class of similarly
 11 situated persons.

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 14 **SACRAMENTO DIVISION**

15 BEAU BANGERT, on behalf of himself 16 and a class of similarly situated 17 persons, 18 Plaintiffs, 19 v. 20 COUNTY OF PLACER, et al., 21 Defendants. 22

Case No.: 2:17-CV-01667-KJN

**STIPULATION AND ORDER
 EXTENDING TIME AND MODIFYING
 PROCEDURE TO LOCATE AND PAY
 CERTAIN APPROVED CLASS
 CLAIMANTS**

The Honorable Kendall J. Newman

23 **Whereas**, during the process of distribution of the settlement funds to the
 24 approved claimants of the class it became apparent that some approved claimants
 25 were in custody and did not receive their checks as mailed by Rust Consulting;
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1 **Whereas**, counsel for Plaintiffs and Defendant Placer County discussed and,
2 with the assistance of the Court, have agreed upon a modification of the procedure
3 and time line for the distribution of the settlement funds to approved claimants that
4 are in custody and have not yet received their approved settlement payments.
5

6 **Now, therefore**, the parties stipulate to the following procedures:

- 7 1. Plaintiffs' counsel (Mr. Dwyer) will send a letter to each of the
8 claimants with undelivered/un-cashed checks that has been tentatively
9 found to be a CDCR or BOP inmate. The letter would inform the
10 inmate that there was an award to them under the settlement
11 agreement and that Rust Consulting mailed a check to the address
12 provided with the claim form, but the letter has either not been
13 delivered or the check has not been cashed. The inmate will be asked
14 to complete and return, in a stamped envelope addressed to Mr.
15 Dwyer, a form that authorizes Rust Consulting to issue a new check
16 payable to the person that the inmate names on the form. The inmate
17 must also provide a current address for mailing the check. indicated
18 on the form. The form must be completed and returned in 45 days of
19 the date of the letter.
20
21 2. The claimant could designate either: (1) a person that would receive
22 the check on their behalf (still payable to the claimant) and that would
23 be responsible for depositing the check into whatever account the
24 claimant designated; or (2) an alternate payee (i.e., let the claimant
25 designate); or (2) an alternate payee (i.e., let the claimant
26 designate); or (2) an alternate payee (i.e., let the claimant
27 designate); or (2) an alternate payee (i.e., let the claimant
28 designate); or (2) an alternate payee (i.e., let the claimant

1 transfer the award to a third person).

2 3. The claimant will have to sign and acknowledge the form. Right above
3 the signature line there would be a clear warning that the claimant
4 must provide correct and final information and instructions. If the
5 check to this claimant is returned undelivered or not cashed in time,
6 the award will be forfeited.

7
8 4. Plaintiffs' counsel, Mr. Dwyer, will collect all of the returned forms and
9 prepare a spread sheet for Rust Consulting with the name of the payee
10 and the mailing address by August 28, 2020. Rust Consulting will
11 then prepare its final mailing of checks based upon the new
12 information and mail the checks by September 4, 2020. All such
13 checks issued by Rust must be cashed by October 30, 2020. This will
14 complete Rust Consulting's obligations and Rust will not need
15 additional compensation to complete this work.

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18 5. Rust Consulting will revert any outstanding funds to the County on
19 the scheduled date of July 22, 2020, with the exception of the
20 claimants with undelivered and/or un-cashed checks that have been
21 tentatively found to be a CDCR or BOP inmate. Rust will issue a
22 second check to the County with the remainder of the reversion funds
23 following expiration of the October 30, 2020 date identified above.

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25 6. Plaintiffs' counsel agrees that they will not request any additional
26 extensions beyond the extension agreed to herein.
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It is So Stipulated:

Date: May 19, 2020

s/s Patrick H. Dwyer
Patrick H. Dwyer, counsel for
Plaintiffs

Date: May 19, 2020

s/s Mark E. Merin (authorized)
Mark E. Merin, counsel for
Plaintiffs

Date: May 19, 2020

s/s Julia Reeves (authorized)
Julia Reeves, counsel for
Placer County

1 **ORDER**

2 **PURSUANT TO FOREGOING STIPULATION OF THE PARTIES**, it is


3 hereby **ORDERED** that:

- 4
- 5 1. Plaintiffs' counsel (Mr. Dwyer) will send a letter to each of the
6 claimants with undelivered/uncashed checks that have been tentatively
7 found to be a CDCR or BOP inmate. The letter would inform the
8 inmate that there was an award to them under the settlement
9 agreement and that Rust Consulting mailed a check to the address
10 provided with the claim form, but the letter has either not been
11 delivered or the check has not been cashed. The inmate will be asked
12 to complete and return, in a stamped envelope addressed to Mr.
13 Dwyer, a form that authorizes Rust Consulting to issue a new check
14 payable to the person that the inmate names on the form. The inmate
15 must also provide a current address for mailing the check indicated
16 on the form. The form must be completed and returned in 45 days of
17 the date of the letter.
- 18 2. The claimant could designate either: (1) a person that would receive
19 the check on their behalf (still payable to the claimant) and that would
20 be responsible for depositing the check into whatever account the
21 claimant designated; or (2) an alternate payee (i.e., let the claimant
22 transfer the award to a third person).
- 23 3. The claimant will have to sign and acknowledge the form. Right above
24 the signature line there would be a clear warning that the claimant
25 must provide correct and final information and instructions. If the
26 check to this claimant is returned undelivered or not cashed in time,
27 the award will be forfeited.
- 28 4. Plaintiffs' counsel, Mr. Dwyer, will collect all of the returned forms and
prepare a spread sheet for Rust Consulting with the name of the payee
and the mailing address by August 28, 2020. Rust Consulting will
then prepare its final mailing of checks based upon the new
information and mail the checks by September 4, 2020. All such
checks issued by Rust must be cashed by October 30, 2020. This will
complete Rust Consulting's obligations and Rust will not need
additional compensation to complete this work.
5. Rust Consulting will revert any outstanding funds to the County on
the scheduled date of July 22, 2020, with the exception of the
claimants with undelivered and/or uncashed checks that have been
tentatively found to be a CDCR or BOP inmate. Rust will issue a
second check to the County with the remainder of the reversion funds

1 following expiration of the October 30, 2020 date identified above.

- 2 6. Plaintiffs' counsel agrees that they will not request any additional
3 extensions beyond the extension agreed to herein.

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5 Dated: May 27, 2020

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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