

1 **CONSUMER WATCHDOG**

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David W. Slayton,  
Executive Officer/Clerk of Court,  
By R. Lozano, Deputy Clerk

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

16 JOHN DOE, on behalf of himself and all others  
17 similarly situated and for the benefit of the  
18 general public,

19 Plaintiff,

20 v.

21 CALIFORNIA DEPARTMENT OF PUBLIC  
22 HEALTH, *et al.*,

23 Defendants.

Case No. 20STCV32364

*[Assigned to the Hon. Lawrence P. Riff in  
Dept. 7 of Spring Street Courthouse]*

**PLAINTIFF’S REPLY MEMORANDUM OF  
POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT, ORDER  
APPROVING PAYMENT OF  
ATTORNEYS’ FEES AND  
REIMBURSEMENT OF EXPENSES, AND  
PAYMENT TO THE CLASS  
REPRESENTATIVE**

Final Approval Hearing Scheduled Per May 19,  
2023 Preliminary Approval Order:

Hearing Date: August 25, 2023  
Time: 10:00 a.m.  
Judge: Hon. Lawrence Riff

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1 For the reasons previously provided to the Court, as the notice plan approved by the Court has  
2 now been fully implemented, Plaintiff John Doe requests that the Court issue the Final Approval Order<sup>1</sup>  
3 that (1) finally certifies the Settlement Class, (2) finally approves the Settlement as fair, reasonable and  
4 adequate, and (3) approves Plaintiff’s Counsel’s requests for payment of attorneys’ fees, costs, and a  
5 service award to Plaintiff John Doe.

6 As set forth in the Supplemental Declaration of Ryan M. Bahry of JND Legal Administration,  
7 dated August 11, 2023 (the “Supplemental JND Declaration”), attached hereto as Exhibit 1, JND ensured  
8 the Notice of Settlement mailing and notice plan complied with the requirements of the Court’s  
9 Preliminary Approval Order and the notice plan set forth in the Settlement Agreement. Ultimately, of the  
10 48 (out of 460) Settlement Notice packages that were remailed, seven were returned. Therefore, all  
11 Settlement Class Members who could be identified through reasonable effort by JND have been mailed  
12 a copy of the Notice of Settlement, and the Notice of Settlement ultimately reached a substantial  
13 percentage (over 90%) of the Settlement Class Members. Supplemental JND Declaration at ¶¶4-5. In  
14 addition, there have been 232 unique visitors to the settlement website set up for this action by JND with  
15 1,145 page views, 27 calls to the toll-free telephone line and 25 emails requesting further information,  
16 all of which JND has responded to. *Id.* at ¶5.

17 As of the date of the Supplemental JND Declaration, only one Settlement Class Member  
18 submitted a Request for Exclusion. *Id.* at ¶¶6-7. No objections to the settlement were submitted to the  
19 Settlement Administrator for filing with the Court by the deadline set by the Court to do so. *Id.* at ¶¶8-9.  
20 Based on the reaction of the Settlement Class Members to the proposed settlement, this is further  
21 significant evidence of the fairness, reasonableness, and adequacy of the Settlement. *See Nat. Gas Anti-*  
22 *Trust Cases, I, II, III & IV* (Cal. Super. Ct. Dec. 11, 2006, Nos. 4221, 4228, 4224, 4226) 2006 WL  
23 5377849 at \*2, *citing Stoetzner v. U.S. Steel Corp.* (3d. Cir. 1990) 897 F.2d 115, 118–19 [“When  
24 relatively few class members object to or exclude themselves from a class action settlement, courts  
25 interpret that response as evidence that the settlement warrants final approval.”].)

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28 <sup>1</sup> Unless otherwise noted, all capitalized terms herein have the same meaning as that given to them by  
the Settlement Agreement.

1 Based on the favorable reaction of the Settlement Class, Plaintiff respectfully requests that the  
2 Court enter the Final Approval Order identifying the one timely request for exclusion that has been  
3 submitted to the Settlement Administrator.<sup>2</sup>

4 Dated: August 11, 2023

Respectfully Submitted,

5 CONSUMER WATCHDOG

6  
7 By: /s/ Alan M. Mansfield

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25 <sup>2</sup> An updated version of the Final Approval Order will be lodged with the Court no later than five days  
26 prior to the Final Approval Hearing. Based on the rolling nature of the remailing, as the latest in time  
27 deadline for a Settlement Class Member to submit a response to the Notice of Settlement to JND is  
28 September 18, 2023 and the vast majority are due seven days prior to the hearing (Supplemental JND  
Declaration at ¶5, n.2), if any additional requests for exclusion are timely submitted, Plaintiff will  
provide the Court with an amended Final Approval Order that identifies any additional requests.