

1 **BERDING & WEIL LLP**
Daniel L. Rottinghaus (SBN: 131949)
2 Howard J. Silldorf (SBN: 99132)
Theresa M. Filicia (SBN: 128968)
3 1660 Hotel Circle North, Suite 701
San Diego, California 92108
4 Telephone: 858.625.3900
Facsimile: 858.625.3901
5 drottinghaus@berdingweil.com
hsilldorf@berdingweil.com
6 tfilicia@berdingweil.com

7 **GIBBS LAW GROUP, LLP**
Eric H. Gibbs (SBN: 178658)
8 Andre M. Mura (SBN: 298541)
Steven M. Tindall (SBN 187862)
9 505 14th Street, Suite 1110, Oakland, CA 94612
Telephone: (510) 350-9710; Fax: (510) 350-9701
10 ehg@classlawgroup.com
amm@classlawgroup.com
11 smt@classlawgroup.com

12 *Attorneys for Plaintiffs and the Class*

13
14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
15 CENTRAL DIVISION

16 MARK COZIAHR, on behalf of himself and all
17 others similarly situated, DANIEL PATZ, on
behalf of himself and all others similarly
situated,

18 Plaintiffs,

19 v.

20 CITY OF SAN DIEGO; and DOES 1 through
21 200, inclusive,

22 Defendants.
23
24

Case No. 37-2015-00023413-CU-MC-CTL

**STIPULATION AND PROPOSED
ORDER APPROVING CLASS NOTICE
AND NOTICE ADMINISTRATOR**

I/C Judge: Hon. Eddie C. Sturgeon
Dept.: 67
Complaint: July 14, 2015
Trial: April 24, 2019

25 WHEREAS, this Court has certified a litigation class defined as follows: "All single-
26 family residential customers of the City of San Diego who received water service after August
27 21, 2014."
28

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
01/31/2020 at 11:13:00 AM
Clerk of the Superior Court
By Tamara Parra, Deputy Clerk

1 WHEREAS, the parties—Plaintiffs Patz and Chesner on behalf of a certified class and
2 Defendant City of San Diego—have met and conferred regarding class notice and notice
3 administration.

4 WHEREAS, the parties have reached agreement on such matters and now stipulate as
5 follows:

6
7 **Stipulation**

8 1. Pursuant to Rule 3.766 of the California Rules of Court, the parties agree that
9 notice is necessary, so that class members may be apprised of their legal rights and the class
10 action status of this proceeding. *See* Rule 3.766(b)(1).

11 2. The parties also agree that class members may exclude themselves from the action
12 and retain their legal rights (if any). *See* Rule 3.766(b)(2).

13 3. The parties further agree that notice should issue in time for class members to
14 have at least 30 days to opt out and that the class members will need to opt out before April 24,
15 2020. *See* Rule 3.766(b)(3).

16 4. The parties agree that notice shall be provided by a combination of mail, email,
17 and/or publication. The manner of notice proposed is appropriate given (1) the interests of the
18 class; (2) the type of relief requested; (3) the stake of the individual class members; (4) the cost
19 of notifying class members; (5) the resources of the parties; (6) the possible prejudice to class
20 members who do not receive notice; and (7) the res judicata effect on class members. *See* Rule
21 3.766(e).

22 5. The Class is made up of both current and former single-family residential (SFR)
23 water customers of the City of San Diego (Customers). There are approximately 223,754 current
24 and 107,813 former Customers. All current Customers with email addresses on file with the City
25 of San Diego (140,311 Customers) will receive the notice by email no later than March 15, 2020.
26 If the current Customers receive paper billing statements in the mail, they will receive the class
27 notice along with their bi-monthly billing statements. Approximately 136,592 Customers will
28 receive notices with their mailed paper billing statements over a two-month bi-monthly billing

1 cycle starting no later than February 15, 2020 (Customers with email addresses on file with the
2 City who receive paper billing statements in the mail will receive the notice by both mail and
3 email).

4 6. All former customers with email addresses on file with the City of San Diego will
5 receive the notice by email by March 15, 2020. Former customers with only mailing addresses
6 on file will be mailed the notice by March 15, 2020.

7 7. Class Members will have until April 24, 2020 to postmark their requests to opt
8 out of the Class.

9 8. The parties agree that the proposed notice appropriately includes (1) a brief
10 explanation of the case, including the basic contentions or denials of the parties; (2) a statement
11 that the Court will exclude the member from the class if the member so requests by a specified
12 date; (3) a procedure for the member to follow in requesting exclusion from the class; (4) a
13 statement that the judgment, whether favorable or not, will bind all members who do not request
14 exclusion; and (5) a statement that any member who does not request exclusion may, if the
15 member so desires, enter an appearance through counsel. That proposed notice is attached as
16 Exhibit 1.

17 9. Notice shall be given in substantially the same manner as that proposed by the
18 parties and memorialized in the Declaration of the Proposed Notice Administrator, Exhibit 3.

19 10. Lastly, Plaintiffs propose that the Court appoint CPT Group, Inc., as Notice
20 Administrator. A resume for the administrator is attached as Exhibit 2. Defendant City of San
21 Diego does not oppose this proposed appointment.

22
23 January 30, 2020

Respectfully submitted,

24 **GIBBS LAW GROUP LLP**

25
26 By: 
Steven M. Tindall

27 Eric H. Gibbs
28 Andre M. Mura
Steven M. Tindall

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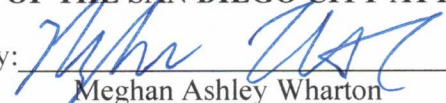
BERDING & WEIL LLP

Howard J. Sildorf
Theresa M. Filicia

Attorneys for Plaintiffs

Date: January __, 2020

OFFICE OF THE SAN DIEGO CITY ATTORNEY

By: 

Meghan Ashley Wharton
Attorneys for Defendant

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~~PROPOSED~~ ORDER

Upon review of the parties' stipulation regarding class notice and the appointment of a notice administrator, IT IS HEREBY ORDERED that:

1. Notice to the class is necessary.
2. Class members may exclude themselves from the action.
3. Notice shall be given to class members no later than March 24, 2020.
4. The content of the notice shall be substantially similar to the proposed notice attached as Exhibit 1.
5. The Court appoints CPT Group, Inc. as Notice Provider, based on its qualifications and experience. A resume for the administrator is attached as Exhibit 2.
6. Notice shall be given in substantially the same manner as that proposed by the parties and memorialized in the Declaration of the Proposed Notice Administrator, Exhibit 3.
7. Class counsel and the Notice Provider shall work with the City of San Diego to facilitate distribution of Notice to Defendant's current Customers by email and first class mail through San Diego's regular billing procedure.
8. For the former Customers, Defendant San Diego shall provide to the Notice Provider information that is reasonably necessary to effectuate the notice plan approved by the Court, including a class list and contact information, no later than February 28, 2020.

Date: 2/6/2020



Hon. Eddie C. Sturgeon
Superior Court Judge

EXHIBIT 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA SAN DIEGO COUNTY

DANIEL PATZ, JOAN CHESNER V. CITY OF SAN DIEGO, Case No. 37-2015-00023413-CU-MC-CTL

Important: This affects your legal rights. Read it carefully.

NOTICE OF CLASS ACTION

A court approved this notice. This is not an advertisement or solicitation.

TO: All single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014

This Notice is to inform you of a class action lawsuit that is being litigated on behalf of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014. Your rights may be affected by the legal proceedings in this action. There is not yet a resolution of the case that would entitle you to money or other benefits.

WHAT IS THIS CASE ABOUT?

Plaintiffs Daniel Patz and Joan Mann Chesner (the “Plaintiffs”) filed a lawsuit against the City of San Diego in which they represent a class of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014. Plaintiffs claim that San Diego violated certain provisions of the California Constitution by charging more for the water that it provides to its customers than the proportional cost of delivering the water to each parcel of property. Plaintiffs seek an order from the Court that the charges are illegal and seek repayment of the amount that San Diego single-family residential customers were allegedly overcharged. The City of San Diego disputes these allegations and maintains that its charges were constitutional and otherwise appropriate under the law.

You are receiving this Notice because you have been identified as a Class Member—that is, you have been identified as a single-family residential customer of the City of San Diego who received water service at any time after August 21, 2014.

The Court ruled, by Order of August 16, 2019, that the case may go forward on a class basis. The Court has not, however, rendered any opinion as to whether Plaintiffs or the City of San Diego are correct about the legal claims in the case.

Your legal rights may be affected whether you act or do not act. Your options are summarized in this Notice.

WHAT ARE YOUR OPTIONS?

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|---|
| YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION |
|---|

| | |
|-------------------------|--|
| DO NOTHING | If you do nothing, you will remain in the Class. If you do nothing, you stay part of the class action. You will be bound by the outcome of the lawsuit. You will give up your right to sue the City of San Diego separately about the same legal claims in the lawsuit. |
| EXCLUDE YOURSELF | If you exclude yourself from the class action, you will not be part of the class action. You keep any rights to sue the City of San Diego separately asserting the same legal claims in this lawsuit. To be excluded, you must sign and mail a written request to be excluded to the Class Notice Administrator at the addresses listed below in Section 3 on or before April 22, 2020. |

FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Why did I get this Notice?

The Court approved this Notice to inform you that a class has been certified in this case and to advise you of your rights. You have received this Notice because the City of San Diego's records indicate that you are a member of the Class. The Class is composed of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014.

2. How do I get more information?

If you have questions about this Notice or the class action, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Class, you should contact the Plaintiff's Counsel at one of the following addresses or by telephone. Please do not contact counsel by email:

Steven Tindall
 Andre Mura
 Kyla Gibboney
 GIBBS LAW GROUP LLP
 505 14th Street, Suite 1110
 Oakland, CA 94612
 Telephone: 619-586-5226

Daniel Rottinghaus
 Howard J. Silldorf
 Theresa M. Filicia
 Berding Weil
 1660 Hotel Circle North, Suite 701
 San Diego, CA 92108

Phone: 858-625-3900

Neither the City of San Diego nor the Court will respond to any questions regarding this Notice or the lawsuit. Please do not contact the City of San Diego or the Court.

3. How do I exclude myself from the lawsuit if I wish to do so?

If you are a member of the Class but do not want to remain in the Class, you may exclude yourself (“opt out”). If you exclude yourself from the Class, you will lose any right to receive any money as a result of a settlement or judgment in the class action if that occurs in the case. If you opt out, you may keep any rights you have, if any, against the City of San Diego and you may file your own suit against the City of San Diego based upon the same legal claims that are asserted in the lawsuit, but Class Counsel will not represent you in it. To exclude yourself from the class action, you must mail the enclosed postcard requesting exclusion from the lawsuit, postmarked no later than April 24, 2020 to:

Class Notice Administrator

CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

You must complete the enclosed postcard with your full name and your current address. If you do not submit the postcard by the deadline for exclusions, you will lose any opportunity to exclude yourself from the Class, and your rights will be determined in this lawsuit.

4. Who are the attorneys for the Class Members?

If you do not exclude yourself from the Class, you will be represented by Class Counsel in this litigation. If you prefer to be represented yourself or be represented by your own lawyer, you may exclude yourself and represent yourself or hire your own lawyer.

The Court has appointed the following attorneys as Class Counsel: Steven Tindall, Andre Mura, and Kyla Gibboney of the Gibbs Law Group LLP and Daniel Rottinghaus, Howard Silldorf, and Theresa Filicia of Berding Weil. Class Counsel can be reached as indicated in Section 2, above.

Steven Tindall
Andre Mura
Kyla Gibboney
GIBBS LAW GROUP LLP
505 14th Street, Suite 1110
Oakland, CA 94612
Telephone: 619-586-5226

Daniel Rottinghaus
Howard J. Sillardorf
Theresa M. Filicia
Berding Weil
1660 Hotel Circle North, Suite 701
San Diego, CA 92108
Phone: 858-625-3900

5. What protections do I have against retaliation for participating in this Class Action?

The law and the City of San Diego's own policies protect you from any retaliatory action based upon your decision to participate in or opt out of this class action. You will not be retaliated against by the City of San Diego for choosing to participate (or not participate) in the Class Action.

6. Has the Court decided who is right?

The Court has not decided whether Plaintiffs or the City of San Diego are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs or the City of San Diego will win or lose this case. Plaintiffs must prove the Class's claims at a trial, which has not yet occurred. The trial date has been scheduled for April 24, 2020.

7. Where can I get further information?

If you have questions about this Notice, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Class, you should contact the Class Notice Administrator (contact information listed in Section 3), for more information or to request that a copy of this Notice be sent to you in the mail. If you wish to communicate directly with Class Counsel, you may contact them (contact information in Section 4, above). You may also seek advice and guidance from your own private attorney at your own expense, if you wish to do so.

This Notice is only a summary of the Lawsuit. If you have questions about the case or wish to receive a copy of the court documents in the case, you can access many of the documents online at the following website specifically set up to allow potential Class members to learn about the case: www.cptgroup.com/cityofsandiego. If you do not have access to the Internet, you may contact Class Counsel.

The City of San Diego and Court will not respond to any questions regarding this Notice or the Lawsuit. Please do not contact the City of San Diego or the Court.

EXHIBIT 2



50 Corporate Park, Irvine CA 92606 • (800) 542-0900 • www.cptgroup.com

CURRICULUM VITAE

COMPANY PROFILE

CPT Group, Inc., (“CPT”) founded in 1984, is a leading provider of notice and settlement class action administration services and has been appointed as the third-party administrator by all major courts in the State of California and numerous United States District Courts. Located in Irvine, CA, CPT’s client base includes over 10,500 attorneys, both local and nationwide, that have entrusted CPT to bring their experience, expertise and proven excellence to their settlements for administration. Throughout our history, CPT has disbursed billions of dollars in Settlement funds, and serviced over 65,000,000 class members and administrated approximately 4,000 cases. CPT offers a wide range of class action administrative services for developing, managing and executing all stages of integrated settlement plans. This includes pre-certification and discovery mailings, class-certification mailings, claims processing and administration, data management, data reporting, settlement fund administration, legal noticing campaigns, website design and web hosting. Experienced CPT staff currently handles the following types of class action cases: Wage and Hour, FLSA, Employment/ADA, Consumer/Product, Insurance, Securities, Finance, Antitrust, and ERISA.

Once designated by the parties and approved by the court as the third-party administrator, CPT assumes full responsibility in overseeing management of the class database, notification to the class members, claims processing, and disbursement of settlement payments. The operations, IT and production facilities are all located at the corporate headquarters in Irvine. The integrity of CPT’s work is strengthened by the staff’s ability to work in close proximity and keep the work handled in-house. The IT data center is accessible 24/7/365 to authorized CPT personnel. CPT uses internal IT expertise and follows internal business as well as IT policies and procedures to support its daily administration and service operations.

CPT prides itself on being the industry’s premier class action administrator, offering comprehensive and cost-effective class action administration services, utilizing leverages that decades of personal insight and firsthand knowledge from multiple disciplines and legal arenas have provided. CPT is NIST SP 800-171 compliant, administrates hundreds of cases per year, and has disbursed over a billion dollars in settlement funds. With a structured service platform and practice-area expertise, CPT can effectuate the services it provides accurately and expeditiously.

CPT is entrusted by counsel and appointed by the court to handle complex nationwide and statewide class action settlements. Some of our current representative matters include:

- *Jacobo, et al., v. Ross Stores, Inc.*, (C.D. Cal.) Case No. 17-56241, D.C. No. 2:15-cv-04701-MWF-AGRx
- *Bokelman v. FCH Enterprises, Inc.*, (D. Haw), Case No. 18-cv-00209-RJB-RLP;
- *Krinsk, et al. v. Monster Beverage Corporation, et al.*, San Diego Superior Court, Case No. 37-2014-00020192-CU-BT-CTL
- *Lim, et al. v. Vendini, Inc.*, California Superior Court Case No. 1-14-CV-259897;
- *Mount v Wells Fargo Bank*, Superior Court of California Case No. BC395959;
- *Manouchehri v Styles For Less, Inc.*, United States District Court Case No. 14cv2521 NLS;
- *Kerr, et al. v. Zacks Investment Research, Inc.*, et al., United States District Court Case No. 16-CV-01352 GPC BLM;
- *Hinshaw v. Vizio, Inc.*, United States District Court Case No. SA CV14-00876-DOC (ANx);
- *Kerr v. The New York Times Company*, et al., California Superior Court Case No. 37-2016-000010125-CU-MC-CTL;
- *Hightower, et al. v. JPMorgan Chase Bank, N.A.*, United States District Court Case No. 11-CV-01802-PSG-PLAx;
- *Romero, et al. v. Loacker USA, Inc.*, California Superior Court Case No. 1-14-CV-274434;
- *Hoover v. Hi-Tech Pharmacal Co., Inc.*, United States District Court Case No. EDCV 13-00097 JGB (OPx);
- *Michigan Finance Authority, et al. v. Kiebler, et al.*, Michigan Court of Claims Case No. 13-000166-MZ.

AREAS OF EXPERTISE

- **Project Management** – To ensure a smooth claims administration process, CPT acts as a neutral third party and provides comprehensive case administration from start to finish. Following the timeline set forth in the Settlement Agreement and Court Order, our team of Case Managers ensures that all actions required by the Claims Administrator are met.
- **Claims Administration** – CPT executes an extensive Quality Assurance process throughout the duration of the claims period. Any and all responses received from Class Members are processed according to our strict internal procedures and in accordance with Settlement Agreement. Once claims processing is completed, Counsel is provided with all required reporting, including, where applicable, a list of approved claimants and the settlement calculations for each.
- **Call Center** – CPT maintains a Call Center to provide support for Class Members between the hours of 9:00 AM and 5:30 PM, Monday through Friday, except for major holidays. The Call Center is specially trained to field questions pertaining to the important features of each case. Our Call Center representatives are all bilingual in English and Spanish, and upon special request, CPT can provide support in other languages as well as other time zones.
- **Data Management/Reporting** – Through programmatic analysis, CPT will standardize the class data to compile a master mailing list. CPT prepares weekly status reports for each case that summarize the status of returns and responses such as mail pieces and claim form submissions. CPT Group, Inc. is NIST SP 800-171 compliant, which ensures that necessary measures are taken to guarantee that all class member data is handled and stored in a safe and secure manner.
- **Noticing Expertise** – CPT’s legal notice experts have a combined experience of over 25 years in the industry and come together to plan a successful notice campaign based upon the requirements of the Settlement. After strategizing and consulting with Counsel, our team will determine the best method of notification to reach your intended target audience. Whether notification will be through means of a known or unknown data set, CPT will execute the campaign with precision and accountability.
- **Settlement Fund Administration** – CPT Group’s staff of accounting professionals oversees the disbursement process for each case in strict detail and in accordance with the terms of the Settlement Agreement. Utilizing a Qualified Settlement Fund (QSF) for each case, CPT maintains its settlement account through a federally insured bank where access to each Settlement Account is restricted to authorized personnel. Bank accounts for each case are reconciled monthly and are available to each client upon request. On behalf of the QSF, CPT Group pays and reports all applicable State and Federal tax withholdings and liability, and issues and reports W-2 wages and 1099 income, as required, for each case.

SERVICES

- | | | |
|----------------------------------|------------------------------------|----------------------------------|
| • Settlement Administration | • Claims Processing | • Settlement Fund Administration |
| • Pre-Certification Notification | • Class Certification Notification | • Electronic Notification |
| • Data Analysis | • Secure Data Management | • Secure Data Reporting |
| • Bilingual Call Center | • In-House Print & Mail House | • NCOA & Skip Tracing |
| • Publication & Media Campaigns | • Website Hosting | • Website Design |

QUALIFICATIONS AND EXPERIENCE OF KEY PERSONNEL

Julie N. Green, Senior Vice President of Operations; Notice Expert:

With 14 years at CPT, Julie Green is a driving force behind the company's ongoing success. Through oversight responsibilities for the entire operation, she has an expert hand in all aspects of notice administration and demands quality and success for each step of the process. Making informed recommendations to meet the goals of complex and unique settlements, Julie has been responsible for the design and or implementation of thousands of class action notice programs. She understands the necessary mechanics to ensure that effective notice is executed, while making certain neutrality and client confidentiality is continually maintained. In her position, Julie leverages the Operations Team's abilities to meet the goals and objectives of the Business Development Team, while ensuring that CPT's clients are met with exceptional service and a successful notice program. Julie holds a BA each in Drama and Psychology & Social Behavior from the University of California, Irvine.

Dominique Fite, Vice President Consultant, Business Development:


Ms. Fite is responsible for advising clients during the developing stages of the class action claims administration process, from pre-settlement planning through settlement in all class action practice areas. With over ten years of relevant legal industry experience, Ms. Fite plays a valuable role consulting with current and prospective clients offering practical approaches, strategic advice, and customized solutions. As both a former class action attorney and business development attorney at a leading plaintiff class action firm, she focused her practice on ERISA and Consumer Protection actions as well as securities litigation. Ms. Fite also provided substantial research assistance in the authorship of law review articles related to the Dodd-Frank Act. More recently, Ms. Fite served as a director of client relations and development for one of the largest class action settlement administrators where she was involved in many large and complex class action settlement administrations, including the Countrywide Mortgage-Backed Securities Litigation and RALI Mortgage-Backed Securities Litigation settlements. Ms. Fite has a juris doctor degree from American University, Washington College of Law and a B.A. from New York University, where she graduated magna cum laude. She is a member of the Association of Business Trial Lawyers, Consumer Attorneys of California, and the American Bar Association.

Randi J. Martz, Director of Marketing and Business Development; Notice Expert:

Randi Martz serves as Director of Marketing and Business Development and has been with CPT Group for 10 years. Randi is responsible for critically analyzing and executing the requirements of a settlement for legal notification through secondary market research, data analysis, planning and executing. Upon consulting with clients to determine the needs of the Settlement parties, Randi finds ways to increase efficiencies to implement cost savings for the RFP's. She is also tasked with researching and analyzing target markets to develop strategic and tactical plans to grow the business. As the liaison between the Marketing and Operations Teams, Randi collaborates on identifying critical business development and marketing opportunities to strengthen the Settlement and Client's core objectives. Randi received her B.A. in Business Administration, a Professional Concentration, from California State University of Fullerton.

Jacqueline N.K. Hitomi, Director of Settlement & Treasury Services:

Jackie Hitomi is the Director of Settlement & Treasury Services at CPT Group. With over a decade of experience in the class action industry, Jackie oversees the distribution process and is responsible for ensuring the accuracy of settlement calculations and the compliance of court approved agreements. Jackie manages a team of disbursement and tax administrators and provides guidance to the case management team for complex settlements. As a Director, Jackie serves as a trusted contact for clients and assists with the effectuation of multifaceted projects. She is also a key contributor to the development and execution of the settlement administration process. Jackie began her legal career as a Paralegal at the Orange County District Attorney's Office and has also held Senior Paralegal positions in several law firms in Orange County and Los Angeles. She received her B.A. in International Relations and Law & Public Policy, from the University of Southern California, and completed the ABA Paralegal Studies from the University of California, Los Angeles.



Abel E. Morales, Director of Operations:

Abel Morales is the Director of Operations at CPT Group. Since joining CPT in 2010, Abel has handled hundreds of class action cases from inception through distribution and has become the expert in complex settlements. He is the primary client contact and is well trusted for his expertise in the class action industry. Abel oversees the Claims Processing Department, Production Department, and Class Member Support Services. With his wide range of expertise, it provides valuable insight to all facets of the Administration process. Prior to CPT Group, Abel was a Senior Analyst for 9 years at a prominent Fortune 500 mutual insurance holding company. Abel also holds a B.A. in International Finance from the California State University of Fullerton. He is bilingual in Spanish

Gary D. Coburn, Data and Applications Manager:

Gary Coburn is CPT Group's Data and Applications Manager. With over 12 years of experience in Information Technology management, consultative selling, project leadership, market development and new technology introduction, Gary plays a key role in building and maintaining CPT's case database as well as preserving its infrastructure and security. Gary, along with his team, also implement and deploy CPT's case-related websites. It's because of Gary's extensive IT experience and his ability to clearly articulate even the most advanced technology to businesses and technical users, that make him a great asset to the Company. Gary received his B.S. in Technical Management from Wentworth Institute of Technology, in Boston, MA and his MBA from Suffolk University, also in Boston, MA.

Tim Cunningham, Supervising Case Manager:

Tim Cunningham has successfully managed over 250 cases in his 7 years at CPT Group. As Supervising Case Manager, under his direction, a team of Case Managers and Assistants are trained and guided to oversee all case activity—from administrative conception to disbursement. Tim and his team are also the primary contact between the firm and Counsel while also working closely throughout administration with the IT, Mailing, Claims and Call Center departments. Prior to CPT Group, Tim was a Lead Relationship Manager for 10 years at a prominent Fortune 500 mutual insurance holding company. Tim earned his B.A. in Public Administration with a minor in English from California State University San Diego.

Carole Thompson, Supervising Case Manager

Carole Thompson is a Supervising Case Manager at CPT Group. In this role, she leads a team of Case Managers and Assistants and ensures the proper guidance and supervision is upheld for high accuracy levels and prompt adherence to court ordered deadlines. She is also responsible for overseeing all case activity and having a comprehensive understanding of each case her team handles. Carole initially joined CPT in 2010 as a Case Manager. In her career prior, she spent 12 years in the Financial Industry at a prominent Fortune 500 annuities company. Then, when an opportunity took her family to Minot, North Dakota, she had to leave CPT, but gained 5 years of Human Resources expertise, first as Benefits Specialist at Trinity Health and then as a Benefits Coordinator at Food Management Investors, Inc. Upon returning to California in 2016, Carole rejoined CPT, providing a strong professional background to the team.

Ani S. Sarich, Senior Case Manager

Ani Sarich is a Senior Case Manager at CPT Group. Since joining CPT in 2012, Ani has managed over 100 consumer, and labor and employment class action settlements. In her role, she is responsible for accurate planning and efficient execution of the required settlement administration tasks. Ani holds a B.S. in Public Health Science from the University of California, Irvine and is currently furthering her education in Project Management.

REFERENCES

For reference, the following Exhibits are attached:

1. CPT's Information Security Statement.
 2. CPT's Data and Settlement Fund Transmission Methods
 3. CPT's Company Brochure.
 4. CPT's Client Testimonials.
-

EXHIBIT 3

1 **BERDING & WEIL LLP**
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amm@classlawgroup.com
11 smt@classlawgroup.com

12 *Attorneys for Plaintiffs and the Class*

13
14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
15 CENTRAL DIVISION

16 MARK COZIAHR, on behalf of himself and all
17 others similarly situated, DANIEL PATZ, on
behalf of himself and all others similarly
situated,

18 Plaintiffs,

19 v.

20 CITY OF SAN DIEGO; and DOES 1 through
21 200, inclusive,

22 Defendants.
23
24
25
26
27
28

Case No. 37-2015-00023413-CU-MC-CTL

**DECLARATION OF JULIE N. GREEN
ON BEHALF OF CPT GROUP, INC.,
PROPOSED NOTICE ADMINISTRATOR**

I/C Judge: Hon. Eddie C. Sturgeon
Dept.: 67
Complaint: July 14, 2015
Trial: April 24, 2019

1 **DECLARATION OF JULIE N. GREEN**

2 I, Julie Green, declare as follows:

3 1. I am the Senior Vice President of Operations, Class Action Services of CPT
4 Group, Inc. (“Settlement Administrator” or “CPT”). The following statements are based on my
5 personal knowledge, information provided to me by counsel for the parties, by other CPT
6 employees working on this matter, and records of CPT generated and maintained in the usual
7 course of its business. If called on to do so, I could and would testify competently thereto.

8 2. CPT Group, Inc., is located at 50 Corporate Park, Irvine, CA 92606.

9 3. For this matter, CPT is able and willing to provide Notice and Claims
10 Administration services as described in the parties’ stipulation regarding class notice, if
11 approved to do so by the Court.

12 4. I have been employed by CPT for 15 years, managing the operations department
13 and supervising multiple Notice and Claims Administration programs. As Senior Vice President
14 of Operations, I am responsible for the oversight, supervision and evaluation of all departments
15 and positions related to the administration of class action matters to ensure superior quality and
16 successful execution of each component required to complete the class action administration
17 process. In my career at CPT, I have been responsible for the design and/or implementation of
18 hundreds of class action administration plans. I submit this declaration at the request of
19 Plaintiffs’ Counsel in support of their Stipulation and Proposed Order Approving Class Notice
20 and Notice Administrator.

21 **CPT’S QUALIFICATIONS AND EXPERIENCE AS AN ADMINISTRATOR**

22 5. CPT is a leader in the notice and settlement administration industry and has
23 extensive experience in providing court approved notice of class actions and administering
24 various types of notice programs. In the past 30-plus years, CPT has provided notification
25 and/or claims administration services in thousands of class action cases. Throughout our history,
26 CPT has disbursed billions of dollars in settlement funds, and serviced over 100,000,000 class
27 members. CPT offers a wide range of class action administrative services for developing,
28

1 managing and executing all stages of integrated notice plans. A true and correct copy of CPT's
2 company resume ("CPT CV") is attached as Exhibit A, which provides detailed information
3 concerning our class action notice and settlement and claims administration qualifications and
4 experience.

5 6. As a class action administrator, CPT is accustomed to being selected by the
6 parties and approved by both Federal and State Courts throughout the United States to provide
7 notification and claims processing services. In this capacity, CPT provides all services related to
8 the implementation of class action notice programs including (a) all types of legal notice, such
9 as direct mailing, email notification, and publication programs, including print, digital and
10 social media platforms; (b) establishing dedicated URL and case websites with on-line claim
11 filing capabilities, if needed; (c) call center support with a dedicated toll-free interactive voice
12 response (IVR) telephone number; (d) electronic and hard copy claims processing; (e)
13 receiving/processing other communications about the class; (f) secure data management and
14 reporting; (g) paper and electronic payment distribution through check, gift card, merchandise
15 credits, direct deposit and other means; (h) Qualified Settlement Fund reporting and banking
16 services; (i) filing applicable tax returns; (j) filing any required reports with the court; and (k)
17 other tasks related to the administration that may be requested by the parties or court.

18 7. CPT has been entrusted by counsel and appointed by courts to handle many
19 complex nationwide and statewide class action matters. Some of our recent multi-state
20 representative matters include: *Hartranft v. TVI, Inc. d/b/a/ Savers, Inc., Apogee Retail, LLC*,
21 Case No. 8:15-cv-01081 CJC-DFM (C.D. Cal.); *Jacobo, et al., v. Ross Stores, Inc.*, (C.D. Cal.)
22 Case No. 17-56241, D.C. No. 2:15-cv-04701-MWF-AGRx; *Bokelman v. FCH Enterprises,*
23 *Inc.*, (D. Haw), Case No. 18-cv-00209-RJB-RLP; *Lim, et al. v. Vendini, Inc.*, Santa Clara
24 County Superior Court Case No. 1-14-CV-259897; *Manouchehri v Styles For Less, Inc.*, (S.D.
25 Cal.) Case No. 14cv2521 NLS; *Kerr, et al. v. Zacks Investment Research, Inc., et al.*, (S.D. Cal.)
26 Case No. 16-CV-01352 GPC BLM; *Hinshaw v. Vizio, Inc.*, (C.D. Cal.) Case No. SA CV14-
27 00876-DOC (ANx); *Hightower, et al. v. JPMorgan Chase Bank, N.A.*, (C.D. Cal.) Case No. 11-
28

1 CV-01802-PSG-PLAx; *Romero, et al. v. Loacker USA, Inc.*, Santa Clara County Superior Court
2 Case No. 1-14-CV-274434; *Hoover v. Hi-Tech Pharmacal Co., Inc.*, (C.D. Cal.) Case No.
3 EDCV 13-00097 JGB (OPx); and *Michigan Finance Authority, et al. v. Kiebler, et al.*,
4 Michigan Court of Claims Case No. 13-000166-MZ. Some of our recent single-state
5 representative matters include: *Krinsk, et al. v. Monster Beverage Corporation*, et al., San Diego
6 Superior Court, Case No. 37-2014-00020192-CU-BT-CTL; *Mount v. Wells Fargo Bank*, Los
7 Angeles County Court of California Case No. BC395959; and *Kerr v. The New York Times Co.*,
8 et al., San Diego Superior Court Case No. 37-2016-000010125-CU-MC-CTL.

9 **CASE BACKGROUND**

10 8. We understand that the Class is made up of both current and former single-
11 family residential (SFR) water customers of the City of San Diego (Customers). We understand
12 from the parties that there are approximately 223,754 current and 107,813 former Customers.

13 **NOTICE PLAN AND TIMELINE**

14 9. The proposed notice plan will include the following components:

15 10. **Notice to Current Customers:** All current Customers with email addresses on
16 file with the City of San Diego (140,311 Customers) will receive the notice by email no later
17 than March 15, 2020. If the current Customers receive paper billing statements in the mail, they
18 will receive the class notice and opt-out postcard along with their bi-monthly billing statements.
19 Approximately 136,592 Customers will receive notices and opt-out postcards with their mailed
20 paper billing statements over a two-month bi-monthly billing cycle, starting no later than
21 February 15, 2020 (Customers with email addresses on file with the City who receive paper
22 billing statements in the mail will receive the notice by both mail and email).

23 11. **Notice Former Customers:** All former customers with email addresses on file
24 with the City of San Diego will receive the notice by email by March 15, 2020. Former
25 customers with only mailing addresses on file will be mailed the notice and opt-out postcard by
26 March 15, 2020.

1 12. **Static Website:** CPT will maintain and administer a dedicated informational
2 website with a case specific domain/URL (www.cptgroup.com/cityofsandiego). The website
3 will include links to the Order, Class Notice and Request for Exclusion Form. The website
4 address or a hyperlink will be displayed on all notifications described above.

5 13. **Print Publication:** Notice will also be provided by publication in the San Diego
6 Union Tribune Newspaper one time in the main news section with a 1/8-page size ad.

7 14. **Toll-Free Number/Class Member Support:** CPT will set up a 24-hour, toll-
8 free support line with IVR capabilities to provide Settlement Class Members with (a) general
9 and detailed information about the action; (b) frequently asked questions and answers; and (c)
10 information relating to opting out of the certified class; and (d) relevant deadlines. For
11 additional questions, class members will be prompted to contact Class Counsel directly at their
12 dedicated support line.

13 **REQUESTS FOR EXCLUSION**

14 15. **Requests for Exclusion:** CPT will maintain record of and inform the parties of
15 all Requests for Exclusion submitted by Class Members.

16 **ADMINISTRATION FEES**

17 16. CPT's costs for the notice and administration of this matter are currently
18 estimated at \$40,851.72.

19
20 I declare under penalty of perjury under the laws of the United States and state of
21 California that the foregoing is true and correct.

22
23 Executed on January 30, 2020 at Irvine, California.

24
25
26 
27 JULIE N. GREEN
28

EXHIBIT A



50 Corporate Park, Irvine CA 92606 • (800) 542-0900 • www.cptgroup.com

CURRICULUM VITAE

COMPANY PROFILE

CPT Group, Inc., (“CPT”) founded in 1984, is a leading provider of notice and settlement class action administration services and has been appointed as the third-party administrator by all major courts in the State of California and numerous United States District Courts. Located in Irvine, CA, CPT’s client base includes over 10,500 attorneys, both local and nationwide, that have entrusted CPT to bring their experience, expertise and proven excellence to their settlements for administration. Throughout our history, CPT has disbursed billions of dollars in Settlement funds, and serviced over 65,000,000 class members and administrated approximately 4,000 cases. CPT offers a wide range of class action administrative services for developing, managing and executing all stages of integrated settlement plans. This includes pre-certification and discovery mailings, class-certification mailings, claims processing and administration, data management, data reporting, settlement fund administration, legal noticing campaigns, website design and web hosting. Experienced CPT staff currently handles the following types of class action cases: Wage and Hour, FLSA, Employment/ADA, Consumer/Product, Insurance, Securities, Finance, Antitrust, and ERISA.

Once designated by the parties and approved by the court as the third-party administrator, CPT assumes full responsibility in overseeing management of the class database, notification to the class members, claims processing, and disbursement of settlement payments. The operations, IT and production facilities are all located at the corporate headquarters in Irvine. The integrity of CPT’s work is strengthened by the staff’s ability to work in close proximity and keep the work handled in-house. The IT data center is accessible 24/7/365 to authorized CPT personnel. CPT uses internal IT expertise and follows internal business as well as IT policies and procedures to support its daily administration and service operations.

CPT prides itself on being the industry’s premier class action administrator, offering comprehensive and cost-effective class action administration services, utilizing leverages that decades of personal insight and firsthand knowledge from multiple disciplines and legal arenas have provided. CPT is NIST SP 800-171 compliant, administrates hundreds of cases per year, and has disbursed over a billion dollars in settlement funds. With a structured service platform and practice-area expertise, CPT can effectuate the services it provides accurately and expeditiously.

CPT is entrusted by counsel and appointed by the court to handle complex nationwide and statewide class action settlements. Some of our current representative matters include:

- *Jacobo, et al., v. Ross Stores, Inc.*, (C.D. Cal.) Case No. 17-56241, D.C. No. 2:15-cv-04701-MWF-AGRx
- *Bokelman v. FCH Enterprises, Inc.*, (D. Haw), Case No. 18-cv-00209-RJB-RLP;
- *Krinsk, et al. v. Monster Beverage Corporation, et al.*, San Diego Superior Court, Case No. 37-2014-00020192-CU-BT-CTL
- *Lim, et al. v. Vendini, Inc.*, California Superior Court Case No. 1-14-CV-259897;
- *Mount v Wells Fargo Bank*, Superior Court of California Case No. BC395959;
- *Manouchehri v Styles For Less, Inc.*, United States District Court Case No. 14cv2521 NLS;
- *Kerr, et al. v. Zacks Investment Research, Inc.*, et al., United States District Court Case No. 16-CV-01352 GPC BLM;
- *Hinshaw v. Vizio, Inc.*, United States District Court Case No. SA CV14-00876-DOC (ANx);
- *Kerr v. The New York Times Company*, et al., California Superior Court Case No. 37-2016-000010125-CU-MC-CTL;
- *Hightower, et al. v. JPMorgan Chase Bank, N.A.*, United States District Court Case No. 11-CV-01802-PSG-PLAx;
- *Romero, et al. v. Loacker USA, Inc.*, California Superior Court Case No. 1-14-CV-274434;
- *Hoover v. Hi-Tech Pharmacal Co., Inc.*, United States District Court Case No. EDCV 13-00097 JGB (OPx);
- *Michigan Finance Authority, et al. v. Kiebler, et al.*, Michigan Court of Claims Case No. 13-000166-MZ.

AREAS OF EXPERTISE

- **Project Management** – To ensure a smooth claims administration process, CPT acts as a neutral third party and provides comprehensive case administration from start to finish. Following the timeline set forth in the Settlement Agreement and Court Order, our team of Case Managers ensures that all actions required by the Claims Administrator are met.
- **Claims Administration** – CPT executes an extensive Quality Assurance process throughout the duration of the claims period. Any and all responses received from Class Members are processed according to our strict internal procedures and in accordance with Settlement Agreement. Once claims processing is completed, Counsel is provided with all required reporting, including, where applicable, a list of approved claimants and the settlement calculations for each.
- **Call Center** – CPT maintains a Call Center to provide support for Class Members between the hours of 9:00 AM and 5:30 PM, Monday through Friday, except for major holidays. The Call Center is specially trained to field questions pertaining to the important features of each case. Our Call Center representatives are all bilingual in English and Spanish, and upon special request, CPT can provide support in other languages as well as other time zones.
- **Data Management/Reporting** – Through programmatic analysis, CPT will standardize the class data to compile a master mailing list. CPT prepares weekly status reports for each case that summarize the status of returns and responses such as mail pieces and claim form submissions. CPT Group, Inc. is NIST SP 800-171 compliant, which ensures that necessary measures are taken to guarantee that all class member data is handled and stored in a safe and secure manner.
- **Noticing Expertise** – CPT’s legal notice experts have a combined experience of over 25 years in the industry and come together to plan a successful notice campaign based upon the requirements of the Settlement. After strategizing and consulting with Counsel, our team will determine the best method of notification to reach your intended target audience. Whether notification will be through means of a known or unknown data set, CPT will execute the campaign with precision and accountability.
- **Settlement Fund Administration** – CPT Group’s staff of accounting professionals oversees the disbursement process for each case in strict detail and in accordance with the terms of the Settlement Agreement. Utilizing a Qualified Settlement Fund (QSF) for each case, CPT maintains its settlement account through a federally insured bank where access to each Settlement Account is restricted to authorized personnel. Bank accounts for each case are reconciled monthly and are available to each client upon request. On behalf of the QSF, CPT Group pays and reports all applicable State and Federal tax withholdings and liability, and issues and reports W-2 wages and 1099 income, as required, for each case.

SERVICES

- | | | |
|----------------------------------|------------------------------------|----------------------------------|
| • Settlement Administration | • Claims Processing | • Settlement Fund Administration |
| • Pre-Certification Notification | • Class Certification Notification | • Electronic Notification |
| • Data Analysis | • Secure Data Management | • Secure Data Reporting |
| • Bilingual Call Center | • In-House Print & Mail House | • NCOA & Skip Tracing |
| • Publication & Media Campaigns | • Website Hosting | • Website Design |

REFERENCES

For reference, the following Exhibits are attached:

1. CPT's Information Security Statement.
 2. CPT's Data and Settlement Fund Transmission Methods
 3. CPT's Company Brochure.
 4. CPT's Client Testimonials.
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EXHIBIT 1



Information Security Statement Confidential

CPT Group, Inc. ("Company" or "CPT") maintains a comprehensive, written Information Security Program that complies with all applicable laws and regulations and is designed to (a) ensure the security, privacy and confidentiality of Class Member Information, (b) protect against any reasonably anticipated threats or hazards to the security or integrity of the Class Member Information, and (c) deny unauthorized access to, use, deletion, or modification of Class Member Information. As part of an ongoing effort, throughout its business CPT has implemented the following security controls and procedures:

- 1) Company uses Class Member Information only for the purposes for which Client provided it, as described in any Agreements and/or Court Order's governing the provisions of the Company's services on any particular engagement.
- 2) Company has designated one or more specifically named employees to be responsible for the administration of its Information Security Program.
- 3) Company has and maintains processes for identifying, assessing, and mitigating the risks to Class Member Information in each relevant area of the Company's operations and evaluating the effectiveness of the safeguards for controlling these risks.
- 4) Company runs and analyzes daily Risk Assessment and Threat Intelligence scans on all company computer stations, servers and protected network subnets. These scans search for any software vulnerabilities along with data containing sensitive information ("SI").
- 5) All computers are provisioned with an advanced security stack. Company's Endpoint Protection centrally reports activity, handles patch management and security policies. Company's security stack is based on DNS and content filtering, deep packet inspection at the firewall level, antivirus/antimalware, email filtering and user behavior analysis. Each endpoint is monitored with modern Data Loss Prevention ("DLP") software. Company's DLP system prevents connection to unauthorized external storage, cloud systems or email accounts. It actively blocks screen prints and will not allow confidential user information to be sent out of our trusted network.
- 6) Login access to Company email or systems requires two factor authentication, which requires not only a password and username but also something physical, like user location, secure ID token or biometrics.
- 7) Company regularly monitors, tests and updates its Information's Security Program.
- 8) Company restricts access to Class Member Information only to those employees, agents, or subcontractors who need to know the information to perform their jobs.
- 9) Company performs an annual audit of its Information Security Program. This includes a review of the controls: vulnerability scans, secure software development life cycle, patch management, intrusion detection and prevention, encryption of storage media and devices. Company makes reasonable changes to its Information Security Program to ensure it can maintain safeguards that are appropriate for the Class Member Information at issue.
- 10) At Client's request, but only when and in a manner consistent with applicable Agreements and/or Court Orders, Company will securely destroy or return all Class Member Information in its possession and certify to Client in writing that Company has done so. If Company destroys Class Member Information rather than return it, Company will use destruction methods that are in compliance with all applicable state and federal laws and regulation including NIST Special Publication 800-88, Revision 1 (2014). This obligation to return or destroy information shall not apply to Class Member Information that is stored in backup or other disaster recovery systems, archives or other storage systems that make it impractical to

destroy the information, but if Company retains Class Member Information for these reasons, its obligation under the Settlement Agreement will continue to apply for so long as it retains the information. Additionally, the Company will retain all hard copy documents (i.e. Claim Forms, etc.) for a period of 6 months, at which time they are scanned and shredded on Company premises in compliance with NIST Cybersecurity Framework.

- 11) Company performs extensive background checks (County Criminal, County Civil and National Criminal Database Search) of all its employees, including a review of their references, employment edibility, and education verification to ensure they do not pose a risk to the security of Class Member Information or Clients employees. Company will provide, upon request, a copy of its background check requirements for Clients review and approval. Nothing in this document shall compel Company to disclose the results of such background information of its employees.
- 12) Company conducts a monthly third-party credentialed vulnerability assessment with Trustwave. Vulnerabilities rated as high are patched/resolved with 48 hours. Medium is 1 week and Low is within 2 weeks. If a vulnerability cannot be resolved within our standard time, a compensating control will be introduced to protect the vulnerable systems. To ensure Company receives timely information regarding new threats and vulnerabilities, Company subscribes to US-CERT notices as well as notices are received from Sonicwall our firewall manufacturer. New threats are communicated to our executive and leadership team to disseminate to all employees within the company.
- 13) Company has implement the following safeguards for systems that process, store or transmit Class Member Information:
 - Identify and Access Management;
 - Windows password complexity with a specific length, history, upper and lower characters, numbers, expiration every 45 days, and separate password for email and computer;
 - Two-Factor authentication for remote access;
 - Removable media devices, personal web-based email, instant message, or online storage (i.e. Dropbox, Google Drive, iCloud, etc.) are blocked and restricted by the firewall;
 - Company uses the Microsoft Azure cloud to host corporate email. Remote access to the email system is disabled;
 - Company uses the HTTPS or FTP standard for all data transmissions, and shall ensure that all Client Data is encrypted while in transmission between Company's data center and the Company's computer system or other device (as applicable) and at rest, consistent with the NIST standard, but no less than a 128-bit key for symmetric encryption and a 1024-bit key for asymmetric encryption.
 - Company requires its clients and self to transfer files with personal Class Member Information via a secure transmission protocol through Citrix Sharefile FTP which secures file during transfer with SSL/TFL encryption protocols and in storage using AES 256-bit encryption. Links to file expire after 7 days. Company requires all files transferred in this method to be password protected during transmission and password to be provided telephonically only. Files are retrieved by Company, and then deleted manually upon successful download (or auto-deleted after 7 days from upload by system)
 - Upon hire and annually thereafter, security training of all employees using the online security training platform Knowbe4. Users are required to do one hour of security training per year in additional to 20 minutes of training per quarter. Users are required to take tests online to ensure they've retained the knowledge. Topics covered are spear phishing emails, compromised website, social engineering, strong passwords, ransomware, handling sensitive information, mobile device security;
 - Company actively tests security defenses. Staff participate in simulated phishing exercises to reinforce previous training. Company also conducts monthly external penetration tests and daily internal vulnerability scans to ensure the integrity of our security measures;
 - Preventing terminated employees from accessing Class Member Information;
 - Appropriately configured and updated firewall, antivirus, and spyware software;
 - Separation of Duties;
 - Business Continuity Planning;

- Disaster Recovery Planning;
- Pandemic Recovery Planning

- 14) Company's physical security requires that employees use an encoded card-key to gain access to the facility as all doors are mechanically locked at all times. Employees can only enter or exit through a front door or back door, both of which are protected by security cameras. Inside the facility, secure areas in the office that contain checks or sensitive material are also protected by the electronic card-key badge access and limited to select employees. Security cameras monitor the areas that contain the sensitive material and audits are conducted periodically on the area. Access to the server room is strictly limited to only five individuals and protected by the encoded card-key badge access. Security cameras monitor the inside and outside of the secured area with audits being conducted periodically.
- 15) Company staff are required to maintain in compliance with the Information Security Policies, Compliance Manual, and Non-Disclosure Agreement. The matters covered in the Code of Business Conduct and Ethics are of the utmost importance to the Company and are essential to the Company's ability to conduct its business in accordance with its stated values. We expect all of our officers, directors, employees, agents, contractors and consultants to adhere to these rules in carrying out their duties for the Company. The Company will take appropriate action against any officer, director, employee, agents, contractor or consultant whose actions are found to violate these policies or any other policies of the Company. Disciplinary actions may include immediate termination of employment or business relationship at the Company's sole discretion. If the Company has suffered a loss, then it may pursue its remedies against the individuals or entities responsible. If laws have been violated, then the Company will fully cooperate with the appropriate authorities.

Definitions

- 1) **"Class Member Information"** means Class Member name, address, or other contact information and class member claim filing information necessary for Company to perform services required by applicable Agreements or Court Orders in context to the Administration of a Settlement or other Class Action litigation.
- 2) **"Client"** means collectively Plaintiff Counsel and Defense Counsel.
- 3) **"Client Data"** means proprietary or personal data regarding Client or any of its Class Members under the Settlement Agreement, as provided by Client.
- 4) **"Company"** means CPT Group, Inc. a reputable third-party Claims Administrator selected by all the Parties (Plaintiff and Defense Counsel) to administer the Settlement or Notification Mailing.
- 5) **"Sensitive Personal Information"** means any non-public information of CPT or Client disclosed by either party to the other party, either directly or indirectly, in writing, orally or by inspection of tangible objects, or to which the other party may have access, which a reasonable person would consider confidential and/or which is marked "confidential" or "proprietary" or some similar designation by the disclosing party. Confidential Information shall not include any information which the recipient can establish: (i) was or has become generally known or available or is part of the public domain without direct or indirect fault, action, or omission of the recipient; (ii) was known by the recipient prior to the time of disclosure, according to the recipient's prior written documentation; (iii) was received by the recipient from a source other than the discloser, rightfully having possession of and the right to disclose such information; or (iv) was independently developed by the recipient, where such independent development has been documented by the recipient.

EXHIBIT 2



TRANSMISSION METHODS FOR SENSITIVE INFORMATION

CPT Group, Inc. ("CPT") maintains strict guidelines for the submission, transfer, and protection of Client Data and Wire Information.

A. CLIENT DATA TRANSMISSION METHODS

Counsel shall submit all Client Data to CPT as follows:

1. Link provided by CPT to secure FTP (sharefile) for transfer of data files.
2. All files uploaded should be password protected.
3. Password provided to CPT personnel telephonically.
4. Once files are uploaded to and retrieved, files are deleted (files set on autodelete after 7 days of upload).

Counsel agrees and acknowledges that the above method is the only method authorized by CPT to receive Client Data. Attempts to transmit Client Data by other means are customarily not accepted. In the event Counsel utilizes other means to transmit or attempt to transmit Client Data, CPT disclaims all responsibility for such transmissions or attempted transmissions.

B. BANK WIRE INFORMATION

Incoming from Defense Counsel to QSF.

CPT provides Qualified Settlement Fund bank account wire instructions to Defense Counsel as follows:

1. Wire instructions are printed in PDF format, are uploaded with password protection, and are made available to Defense Counsel via secure Sharefile.
2. CPT will call Defense Counsel directly and provide the password telephonically.
3. Defense Counsel is requested to then call CPT prior to wiring funds to confirm receipt of all applicable information.

Defense Counsel agrees and acknowledges that the above method is the only method authorized by CPT to communicate QSF wire instructions. CPT will decline attempts by Defense Counsel to receive such instructions by other means. In the event Defense Counsel utilizes other means to transmit or attempt to transmit wire instructions, CPT disclaims all responsibility and liability for such transmissions or attempted transmissions including without limitation for any unauthorized access, acquisition, destruction or loss of such wire instructions.

Outgoing from QSF to Plaintiff Counsel.

1. CPT does not send passwords via email either internally or externally.
2. For wire instructions for Plaintiff Counsel, such instructions should be communicated to CPT either by phone or by secure Sharefile.
3. CPT will confirm wire information on file with the bank name and last four digits of the account number only.

Plaintiff Counsel agrees and acknowledges that the above method is the only method authorized by CPT to communicate wire instructions. CPT will decline attempts by Plaintiff Counsel to receive such instructions by other means. In the event Plaintiff Counsel utilizes other means to transmit or attempt to transmit wire instructions, CPT disclaims all responsibility and liability for such transmissions or attempted transmissions including without limitation for any unauthorized access, acquisition, destruction or loss of such wire instructions.

EXHIBIT 3



Class Action Administrators

The Industry's Premier
Class Action Administrator

CPT Group is the Nation's premier Class Action Claims Administrator handling a broad spectrum of cases with value-added, single-source expertise, and premier service.



Putting CPT Group in place as your Administrator influences every element of the process thereafter. Rely on us to analyze, plan, and administrate with integrity, drawing from a broad base of administration experience with class action settlement and beyond.

Value Added Philosophy

CPT Group's cadre of experts understands how each piece of the administrative puzzle fits seamlessly into the big picture. Dynamic, capable, and service-centric our elite staff delivers peak productivity and value. The longevity of our Administrators, stringently tested Case Managers, and trusted Consultants merge to assure neutrality, attention to detail and quality for "true-number" proposals and no costly surprises.

Best In Class Service

From informed Case Managers who are your single point of contact, to secure in-house resources, we work as one to bring you superior service you can rely on. Count on us to be fully up to date, aware of all contingencies, and espond with speed and accuracy.

Capabilities

Selecting CPT Group is the first step in determining the outcome of your settlement. Multifaceted capabilities, the distinct advantage of experience, particularly in cross category settlements, require that all pieces are organized, positioned correctly and put into place.

One team. One purpose. We put you first.

Proprietary Technology and Superior Workflow

Without doubt, the security of settlement information is of the utmost importance.

AdminLink: Internal Case Information Access Management

Exclusive proprietary technology offers access to real time reports, response rates and more, 24/7. With AdminLink, our operations staff can access current case information in one single location, ensuring every CPT staff member involved in your case is up to date and has all the information they need at their fingertips.

Comprehensive Marketing

Our onsite print/mail house and web development team not only affords you greater value and tighter security, we assure full legal compliance in all materials and up to date information for all class members, thereby reducing demands on client time and resources.

Comprehensive Service

Pre-Settlement Consulting

Entrusting class action administration to CPT Group is the first step in the confident achievement of the goals of the lawsuit. Our full spectrum consultation services address every critical area of need, providing clear and actionable planning combined with cost-effective administration.

- Preliminary Approval Declarations
- Settlement Agreement Consultation
- Timelines
- Scheduling
- Statistical Reporting
- Notice Campaign Planning
- Neutral Third Party Administrator

Legal Notification

CPT Group is adept at third-party data hosting and communication services using proprietary technology across multiple platforms, including print, media and online. Clear-language

documents, translated according to class member needs, support and guide members through a seamless case rollout, regardless of scope or complexity.

- Pre-Certification/Belaire West/Privacy Mailing
- Class Certification Noticing
- Settlement Notification
- Formatting Legal Notices
- Electronic Notification email/website
- Translation Services
- In-House Production
- Expert Legal Noticing Campaigns
- In-House Translation Services

Data Management

Quality, accuracy, speed and security are the cornerstones of CPT's proprietary technology and data management systems. We developed our specialized data management, analysis and reporting tools to move the skillset up, innovate new and better solutions and create a superior workflow with complete and timely accountability and efficiency.

- Data Analysis
- Data Entry
- Data Management
- Secure Data Transfer
- Data Reporting

Class Member Assistance

Customer response and targeted outreach receive multilevel attention. We have a massive capacity to handle this all-important aspect of settlement administration. Our multilingual call center offers class members 1:1 responsiveness. Interactive Voice Response assures that class members receive the assistance and support they require. Our proprietary, case-specific call tracking system uses dedicated toll-free numbers, and highly trained



representatives to document and maintain an accurate class member history of interaction.

- Live Call Center Support (multilingual)
- Interactive Voice Response (IVR) capabilities
- Proprietary Call Tracking System

Claims Administration

At the heart of CPT's administrative capabilities is our ability to process claims accurately, efficiently and in full compliance. Our skilled approach to using technology and controlling management costs is the bedrock of our effectiveness. Regardless of class size or case intricacy, we address all aspects of administration to provide comprehensive and complete solutions.

- In-House Secure Data Processing
- Track & Process Undeliverable Mail
- Claims Processing (mail/online)
- Host & Maintain Case Websites
- Secure Claims Validation

Settlement Fund Administration

CPT's centralized fund distribution process manages fully audited and securely supervised accounts, handling all aspects of Federal and State tax filings and forms printing and distribution to all recipients.

- Secure Disbursement Processing

- Qualified Settlement Fund (QSF) Management (establish/maintain)
- Federal and Multi-State Tax Reporting (W2/1099)
- Physical Checks, ACH, eCheck, Merchant eGift Cards, Merchant Physical Gift Cards, and Prepaid Debit Cards Options
- Escheatment of Unclaimed Settlement Funds
- Cy Pres Distribution

Widespread Experience

- FLSA
- Wage & Hour
- Labor & Employment
- PAGA
- Consumer
- Product Liability
- Data Breach Notification
- Government Services
- Insurance
- Securities
- Finance
- Antitrust
- ERISA

Contact Us 800.542.0900

CPT Group, Inc. is not just part of the solution. It is the solution. Please allow us to answer your questions and discuss your immediate and future needs.

EXHIBIT 4



What our clients have to say about CPT Group, Inc.

"I have worked with CPT for 10+ years. CPT is detail-oriented, excellent at meeting deadlines, anticipates potential issues while proposing resolutions, mindful of sensitive private information and safeguards it accordingly, reliable and communicates proactively. CPT is priced competitively for service that surpasses its competition. I have worked with numerous service providers; CPT is by far the best."

Anthony Orshansky, Esq., CounselOne, P.C.

"CPT has extraordinary customer service. They always go above and beyond to resolve any questions we may have. Their responses to our emails are always prompt and are incredibly helpful with last minute needs. Their weekly reports are incredibly useful!"

Craig Ackermann, Esq., Ackermann & Tilajef, P.C.

"I have successfully worked with CPT in administering several multi-million settlements and several Bel-Air privacy notices. CPT was cost-conscious in each instance, often capping their costs to ensure Court approval. Moreover, they quickly respond to inquiries, and expeditiously address problems that surface — maintaining a professional demeanor at all times."

Raul Perez, Esq., Capstone Law, APC.

"I have utilized the services of CPT over the past five or six years to handle all aspects of wage and hour class actions of various sizes. They consistently deliver on time with extremely competitive pricing. The case managers are reliable, efficient and accessible to handle any issue that comes up. I am so pleased with CPT's handling of wage and hour matters that I am now turning to them to administer our consumer class actions as well."

Marcus J. Bradley, Esq., Bradley & Grombacher, LLP.

"CPT's employees pay great attention to detail, are extremely hard-working, are particularly conscious of deadlines, foresee potential issues that may arise and address them proactively, are smart, high-IQ individuals and are easy to work with. I've worked with many of the "best" Class Action Administration firms, and CPT is the best!"

Zach Dostart, Esq., Dostart Hannink & Coveney, LLP.

"CPT Group is by far my preferred Settlement Administrator!"

Tim Johnson, Esq., Ogletree Deakins Nash Smoak & Stewart

“CPT is always quick to respond to any calls or emails and work on the tasks needed. They follow up and always keep their word on pricing. We have used CPT many times and never once have had an unpleasant experience. That is hard to find with any vendor.”

Doug Johnson, Esq., Johnson & Johnson

“CPT understands Class Actions and the requirements for properly noticing the Class. They have experience project manager overseeing the Administration.”

Diana Khoury, Esq., Cohelan Khoury & Singer

“I am extremely happy with all that you have done with the administration of this matter. Excellent service, from start to finish, as to all matters and you stayed within budget! You don't know how happy that makes me. CPT is our #1 admin company. Please feel free to use me as a reference.”

Denise M. Caprioli, Esq., McMillion & Hirtensteiner

“I routinely go back to CPT for class action services because they have proven over and over that they provide excellent service for a great value. When I hire CPT, I know that I can get instant, personal attention on any issue that comes up, and that my matter will be handled with the attention to detail that I expect. I like being able to call and reach people I trust.”

Jeff Ames, Esq., Paul Plevin Sullivan & Connaughton

“I have used CPT successfully over the last four or five years on a variety of wage hour class action cases. I find them to be very professional class action administrators in their on-time delivery of work product, their great process of keeping counsel updated and their reasonable pricing. I will use them again.”

Robert Yonowitz, Esq., Fisher & Phillips LLP

“Fast, friendly responses to all my questions. High quality work.”

Patrick Stark, Esq., Ford, Walker, Haggerty, & Behar

“CPT can handle all aspects of our wage and hour class actions, from privacy opt out notices to administering claims. CPT handles these matters quickly and efficiently and always on budget.”

Derek S. Sachs, Esq., Lewis Brisbois Bisgaard & Smith LLP

"It's one thing to retain a third-party administrator. It's another to retain professionals who communicate well and will go the extra mile to ensure that all parties are completely satisfied."

Joel P. Kelly, Esq., Jackson Lewis

"CPT is great, they have tremendous service, knowledgeable staff and make the experience seamless and efficient. I would recommend them for jobs big or small."

Eric B. Kingsley, Esq., Kingsley & Kingsley

"CPT is as professional as they come. Their team really goes the extra mile to work with you and your team. Do yourself a favor and get to know the CPT Group."

Brian S. Kabateck, Esq., Kabateck Brown Kellner, LLP

"On behalf of the defendants, we were extremely pleased with the service that CPT Group provided and would not hesitate using your services again."

Philip L. Ross, Esq., Littler Mendelson, P.C.

"I truly appreciate your patience and assistance on this. I will certainly recommend you and your company in the future when "class action administration" services are needed...it seems the administration part of the case has been handled with minimal headaches for me personally."

Rhonda Wolf, Esq. General Counsel, United Oil Company

"I have used CPT Group as a wage and hour class action administrator in several cases. On each occasion, CPT has been thorough, responsive, and efficient. I have enjoyed working with CPT and look forward to working with CPT in the future."

Howard Z. Rosen, Esq., Posner & Rosen LLP

"The administration of a class action settlement—even an uncomplicated one—involves a lot of moving parts, and there are a lot of companies that proclaim expertise in this field. But my "go to" claims/settlement administrator is CPT Group because they manage things seamlessly—which is something my Firm counts on. CPT anticipates and solves problems before they become big "issues." And they are all good people too."

Dylan Pollard, Esq., Pollard & Bailey

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PROOF OF SERVICE

I am employed in the county of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is: 505 14th Street, Suite 1110, Oakland, California 94612.

On January 31, 2020 I served a copy of the foregoing documents described as follows:

STIPULATION AND PROPOSED ORDER APPROVING CLASS NOTICE AND NOTICE ADMINISTRATOR

on the following interested party(ies) in this action:

Megan Wharton, Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101
mwharton@sandiego.gov

Attorney for Defendant City of San Diego

[X] BY ELECTRONIC SERVICE: by submitting an electronic version of the document(s) to One Legal LLC through the user interface at www.onelegal.com.

[X] BY MAIL: by placing the document(s) listed above for collection and mailing following the firm’s ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Oakland, California addressed as set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 31, 2020 at Oakland, California.


Marianne Fogle