

Electronically Received 10/18/2022 02:56 PM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILED**  
Superior Court of California  
County of Los Angeles

10/19/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By:           A. Morales           Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

SHERI R. SCHUMACHER, individually, and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

BANK OF HOPE, a California corporation;  
DOES 1 through 10, inclusive,

*Defendant.*

Case No. 18STCV02066

**CLASS ACTION**

[Assigned to Hon. Lawrence P. Riff, Dept. 7]

**~~PROPOSED~~ PRELIMINARY  
APPROVAL ORDER**

1 The Court has before it Plaintiff Basel Haddad’s (“Plaintiff”) Motion for Preliminary  
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval  
3 of Class Action Settlement, the Declaration of Justin F. Marquez, the Parties’ settlement  
4 agreement (the “Settlement” or “Settlement Agreement”), and good cause appearing, the  
5 Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to  
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary  
8 approval. The Court grants preliminary approval of the Settlement Agreement and the  
9 Settlement Class<sup>1</sup> and Settlement Sub-Class based upon the terms set forth in the Settlement  
10 Agreement between Plaintiff Basel Haddad and Defendant Bank of Hope (“Defendant”),  
11 attached to the Declaration of Justin F. Marquez as Exhibit 1.

12 2. The Settlement falls within the range of reasonableness of a settlement which  
13 could ultimately be given final approval by this Court, and appears to be presumptively valid,  
14 subject only to any objections that may be raised at the Final Approval Hearing and final  
15 approval by this Court. The Court notes that Defendant has agreed to provide the following  
16 compensation: (a) two complimentary years of Experian IdentityWorks “1B” credit  
17 monitoring and identity theft insurance to all Class Members, (b) reimbursement of up to \$500  
18 to all Sub-Class Members for expenses incurred which are reasonably attributable to the data  
19 breach; (c) a Class Representative service payment of up to \$25,000 for Plaintiff Basel  
20 Haddad; (d) Class Counsel’s attorneys’ fees of up to \$880,000.

21 3. The Court preliminarily finds that the terms of the Settlement appear to be  
22 within the range of possible approval, pursuant to California Code of Civil Procedure § 382  
23 and applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is  
24 fair and reasonable to the Settlement Class Members, when balanced against the probable  
25 outcome of further litigation relating to class certification, liability and damages issues, and  
26 potential appeals; (2) significant formal and informal discovery, investigation, research, and

27  
28 <sup>1</sup> Defined terms not defined herein have the meaning assigned to them in the Parties’ Settlement Agreement.

1 litigation has been conducted such that counsel for the Parties at this time are able to  
2 reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial  
3 costs, delay, and risks that would be presented by the further prosecution of the litigation; and  
4 (4) the Settlement has been reached as the result of intensive, serious, and non-collusive  
5 negotiations between the Parties with the assistance of a well-respected class action mediator.  
6 Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in  
7 good faith.

8         4.         A final fairness hearing on the question of whether the Settlement, attorneys'  
9 fees and costs to Class Counsel, and the Class Representative's enhancement award should be  
10 finally approved as fair, reasonable and adequate as to the Settlement Class Members is  
11 hereby set in accordance with the Implementation Schedule set forth below.

12         5.         The Court provisionally certifies for settlement purposes the following class  
13 (the "Settlement Class"): "all natural persons residing in California as of June 28, 2018 that  
14 Bank of Hope's records indicate may have had personally identifying information transferred  
15 to The Alacer Group during the course of an engagement between Bank of Hope and The  
16 Alacer Group for professional services. Excluded from the Settlement Class are: (i) officers  
17 and employees of Bank of Hope, (ii) outside counsel retained by Bank of Hope in connection  
18 with the Action, and (iii) judicial officer to whom this action is assigned."

19         6.         The Court provisionally certifies for settlement purposes the following sub-class  
20 (the "Settlement Sub-Class"): "all members of the Settlement Class that received a 'Notice of  
21 Data Breach' from Bank of Hope in the summer of 2018."

22         7.         The Court finds, for settlement purposes only, that the Settlement Class meets  
23 the requirements for certification under California Code of Civil Procedure § 382 in that: (1)  
24 the Settlement Class Members are so numerous that joinder is impractical; (2) there are  
25 questions of law and fact that are common, or of general interest, to all Settlement Class  
26 Members, which predominate over individual issues; (3) Plaintiff's claims are typical of the  
27 claims of the Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and  
28 adequately protect the interests of the Settlement Class Members; and (5) a class action is

1 superior to other available methods for the fair and efficient adjudication of the controversy.

2 8. The Court appoints as Class Representative, for settlement purposes only,  
3 Plaintiff Basel Haddad. The Court further preliminarily approves Plaintiff's ability to request  
4 an incentive award up to \$25,000.00.

5 9. The Court appoints, for settlement purposes only, Wilshire Law Firm, PLC as  
6 Class Counsel. The Court further preliminarily approves Class Counsel's ability to request  
7 attorneys' fees of up to \$880,000.

8 10. The Court appoints JND Legal Administration as the Settlement Administrator.

9 11. The Court approves, as to form and content: (1) the Settlement Class Notice,  
10 attached as Exhibit C to the Settlement Agreement; (2) The Settlement Sub-Class Notice,  
11 attached as Exhibit D to the Settlement Agreement; (3) the Long Notice, attached as Exhibit B  
12 to the Settlement Agreement; and (4) the Claim Form, attached as Exhibit A to the Settlement  
13 Agreement. The Court finds on a preliminary basis that the plan for distribution of notice to  
14 Settlement Class Members satisfies due process, provides the best notice practicable under the  
15 circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

16 12. The parties are ordered to carry out the Settlement according to the terms of the  
17 Settlement Agreement.

18 13. Any Class Member who does not timely and validly request exclusion from the  
19 settlement may object to the Settlement Agreement.

20 14. The Court orders the notice regime to be executed according to the schedule set  
21 out in the Settlement Agreement. The Court further orders the following schedule:

22

23 Deadline to Object to the Settlement	January 16, 2023 (90 days after Order granting Preliminary Approval)
24 25 26 27 28 Deadline to Opt-Out of the Settlement	January 16, 2023 (90 days after Order granting Preliminary Approval, or such other date as the Court orders)

1 2 3	Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	March 20, 2023
4	Final Approval Hearing	April 12, 2023 <del>as of 10/19/22</del>

5           15.     The Court further ORDERS that, pending further order of this Court, all  
6 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

7           **IT IS SO ORDERED.**



*Lawrence P. Riff*

Lawrence P. Riff / Judge

10   DATE:     10/19/2022

Hon. Lawrence P. Riff  
Los Angeles County Superior Court

28