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11 *Attorneys for Plaintiff Martin Coletti*

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13 **SUPERIOR COURT OF CALIFORNIA**  
14 **COUNTY OF MARIN**

15  
16 MARTIN COLETTI, individually and on behalf  
of all others similarly situated,

17 Plaintiff,

18 v.

19 NUGGET MARKET INC., a California  
20 corporation, and DOE 1 through and including  
DOE 100,

21 Defendants.  
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**FILED**

APR - 7 2017

JAMES M. KIM, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: E. Chais, Deputy

Case No. CIV 1600425

**[PROPOSED] ORDER GRANTING JOINT  
EX PARTE APPLICATION TO DELIVER  
SUPPLEMENTAL NOTICE TO CLASS  
MEMBERS FOR PRELIMINARILY  
APPROVED CLASS-ACTION SETTLEMENT**

*Assigned to Hon. Paul M. Haakenson*

Date: April 7, 2017

Time: 9:00 a.m.

Courtroom: E

1           The Joint *Ex Parte* Application of Plaintiff Martin Coletti and Defendant Nugget Market, Inc.  
2 was heard in Courtroom E of the above-captioned Court on April 7, 2017. Having read all of the papers  
3 submitted in connection with the *Ex Parte* Application, having considered all of the arguments made in  
4 connection with the *Ex Parte* Application, and good cause appearing, the Court **HEREBY ORDERS** as  
5 follows:

6           1.       The template of the Supplemental Letter attached as Exhibit A to the Declaration of  
7 Abigail Schwartz for Rust Consulting, Inc. Regarding Corrective Notice is approved as to form and  
8 content.<sup>1</sup> The Court finds that the Supplemental Letter appears to fully and accurately inform Class  
9 Members of the Settlement Administrator's inadvertent miscalculation, and to reasonably correct that  
10 inadvertence. The Court further finds that Plaintiff, Defendant, and their respective counsel were not  
11 responsible for, and had no reason to know of, the Settlement Administrator's error.

12           2.       The template of the Letter of Clarification attached as Exhibit B to the Declaration of  
13 Abigail Schwartz for Rust Consulting, Inc. Regarding Corrective Notice is approved as to form and  
14 content. The Court finds that the Letter of Clarification appears to fully and accurately inform the  
15 impacted individual of the Settlement Administrator's inadvertent inclusion of him or her in the Class,  
16 and to reasonably correct that inadvertence. The Court further finds that Plaintiff, Defendant, and their  
17 respective counsel were not responsible for, and had no reason to know of, the Settlement  
18 Administrator's error.

19           3.       No later than April 14, 2017, the Settlement Administrator shall mail the Supplemental  
20 Letter and the Letter of Clarification to the Class, and shall upload a template copy of the Supplemental  
21 Letter to the settlement website identified in the original Notice Packet. The Court finds that this  
22 notification procedure constitutes the best notice practicable under the circumstances and is in full  
23 compliance with the laws of the State of California, the laws of the United States (to the extent  
24 applicable), and the requirements of due process.

25           4.       The Net Settlement Amount shall not be reduced on account of any work performed by  
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27  
28 <sup>1</sup> The Declaration of Abigail Schwartz is attached as Exhibit 1 to the Declaration of David Harris in Support of *Ex Parte* Application. The Declaration of David Harris, in turn, is appended to the *Ex Parte* Application.

1 the Settlement Administrator in connection with preparing and disseminating the Supplemental Letter or  
2 the Letter of Clarification. In other words, the Settlement Administrator is to bear all of its fees and  
3 costs associated with the Supplemental Letter and the Letter of Clarification.

4 **PAUL M. HAAKENSON**

5 Dated: APR 7 - 2017

6 Judge of the Superior Court

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**PROOF OF SERVICE**

I am employed in the County of Marin; I am over the age of eighteen years and am not a party to the within action; and my business address is 116 East Blithedale Avenue, Suite 2, Mill Valley, California 94941.

On April 7, 2017, I served the document(s) described as **[PROPOSED] ORDER GRANTING JOINT EX PARTE APPLICATION TO DELIVER SUPPLEMENTAL NOTICE TO CLASS MEMBERS FOR PRELIMINARILY APPROVED CLASS-ACTION SETTLEMENT** on the party(ies) in this action by delivering a true copy(ies) addressed as follows:

Thomas M. McInerney  
Carolyn B. Hall  
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
Steuart Tower, Suite 1300  
One Market Plaza  
San Francisco, California 1300

**BY U.S. MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, an envelope(s) containing the document(s) would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Glendale, California in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if the postal-cancellation date or postage-meter date is more than one day after the date of deposit for mailing.

**BY OVERNIGHT DELIVERY OR EXPRESS MAIL:** I enclosed the document(s) in an envelope(s) or package(s) allowed by an overnight-delivery carrier and/or by the U.S. Post Office for express mail, and addressed to the person(s) at the address(es) above. I placed the envelope(s) or package(s) for collection and overnight delivery or express mail at an office or a regularly utilized drop-box of the overnight-delivery carrier, or I dropped it off at the U.S. Post Office.


**BY HAND DELIVERY:** I caused the document(s) to be delivered by hand in open court to at least one of the individuals listed above.

In addition, on April 7, 2017, I served the above-described document(s) on the party(ies) in this action by delivering a true copy(ies) addressed as follows:

Thomas M. McInerney  
tmm@ogletreedeakins.com

Carolyn B. Hall  
carolyn.hall@ogletreedeakins.com

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed on April 7, 2017, at Mill Valley, California.

  
\_\_\_\_\_  
David Harris