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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT – SPRING STREET COURTHOUSE

EDDIE MARTINEZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

STINK, LLC, a California limited liability
company; JEFF BARON; and DOE 1 through
and including DOE 10,

Defendants.

CASE NO. 20STCV10301

Judge: Hon. David S. Cunningham, III.
Dept: 11

**FIRST STIPULATION TO AMEND
CLASS SETTLEMENT AGREEMENT**

1 **STIPULATION TO AMEND CLASS SETTLEMENT AGREEMENT**

2 This Stipulation to Amend Class Settlement Agreement is entered into and effective as of
3 October 21, 2021, by and between: (1) the Settlement Class Representative in the above-entitled
4 proceeding on behalf of the Settlement Class; and (2) Defendants. All capitalized terms used
5 herein are as defined in the Class Settlement Agreement.

6 **WHEREAS**, on or about October 21, 2021, the Court held a hearing on Plaintiff's Motion
7 for Preliminary Approval ("MPA") of the Settlement.

8 **WHEREAS**, at the MPA, the Court indicated that it was inclined to grant preliminary
9 approval of the Settlement if the parties executed an addendum clarifying that the First Amended
10 Complaint ("FAC"), filed on July 7, 2021, is the operative complaint to which the Settlement
11 Release refers in Section VII(A) of the Settlement.

12 **WHEREAS**, Section XIX(C) authorizes counsel for the parties, subject to Court approval,
13 to do all things reasonably necessary or convenient to consummate the Agreement as
14 expeditiously as possible.

15 **WHEREAS**, in the interest of judicial economy and to conserve resources, the Parties
16 have agreed to amend the Class Settlement Agreement to clarify that the FAC, filed on July 7,
17 2021, is the operative complaint to which the Settlement Release refers in Section VII(A).

18 **THEREFORE, IT IS HEREBY STIPULATED** by the Parties, by and through their
19 counsel of record herein, that Section V of the Class Settlement Agreement is hereby amended to
20 add the following sentence at the end of the first paragraph regarding filing of the FAC:

21 **The Parties stipulate that the First Amended Complaint ("FAC"), filed on**
22 **July 7, 2021, is the operative complaint to which the Settlement Release refers**
23 **in Section VII(A) of this Settlement.**

24
25 In all other aspects the Class Action Settlement remains in full force and effect, subject to
26 Court approval.

27 **SO STIPULATED**

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HARRIS & RUBLE

Dated: _____

By: Alan Harris
Alan Harris
David Garrett
Attorneys for Plaintiff
Settlement Class Counsel

FRANKFURT KURNIT KLEIN & SELZ

Dated: _____

By: _____
TIFFANY CATERINA
Attorneys for Defendants
STINK, LLC; and JEFF BARON