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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF KERN

CHARLOTTE LEE, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA
CORPORATION, a Delaware
corporation doing business in California;
BANK OF AMERICA, NATIONAL
ASSOCIATION, a national association
bank doing business in California; and
DOES 1 through 50, inclusive;

Defendants.

Case No. BCV-21-100770

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL TO
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

Complaint Filed: April 8, 2021

Judge: Thomas S. Clark

The Court has before it the joint stipulation by Plaintiff Charlotte Lee (“Plaintiff”) and Defendants Bank of America Corporation and Bank of America, National Association, (“Defendant” or “BofA”) for preliminary approval of a proposed class and representative action settlement. After reviewing the parties’ written submissions and after hearing arguments of counsel, the Court hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the settlement memorialized in the Joint Stipulation of Class and Representative Action Settlement and Release (the “Stipulation”) and filed with the Court falls within the range of reasonableness and therefore meets the requirements for preliminary approval. The Stipulation sets out the terms upon which BofA will settle all claims that have been brought against them in this matter.

2. **Settling Class.** The Court finds, for purposes of settlement only, that the Settling Class as defined in the Stipulation meets the requirements for certification under California law, and therefore conditionally certifies for settlement purposes only the

1 following class:

2 All non-exempt Loan Officers of BofA who held a job title of Lending
3 Associate (SM171), FC Lending Officer (SM611), FC Lending Consultant
4 (SM612), and Senior FCLO (SM614), and who were employed by BofA at
5 any time from February 1, 2019 through the date of Preliminary Approval of
6 the Settlement.

7 3. **Appointment of Class Representative.** The Court appoints, for settlement
8 purposes only, Plaintiff Charlotte Lee as Settling Class Representative.

9 4. **Appointment of Class Counsel.** The Court appoints, for settlement purposes
10 only, Mark R. Thierman, state bar number 72913, and Joshua D. Buck, state bar number
11 258325, of Thierman Buck LLP, located at 7287 Lakeside Drive, Reno, NV 89511, as Class
12 Counsel.

13 5. **Claims Administrator and Notice.** The Settling Parties shall retain the
14 services of ILYM Group, Inc., located at 14771 Plaza Drive, Suite L, Tustin, CA 92780, for
15 the administration of the Settlement, and said entity is hereby appointed Claims
16 Administrator. As described in Paragraphs 19 and 20 of the Stipulation, by no later than
17 ten (10) business days after receiving the information described in Paragraph 19 of the
18 Stipulation, the Claims Administrator shall provide notice of settlement (“Settlement Class
19 Notice”) and an adjustment form (“Adjustment Form”) to all Settling Class Members by
20 first class U.S. mail to their last known address according to the information that BofA will
21 provide to the Claims Administrator pursuant to Paragraph 19 of the Stipulation. The
22 Settlement Class Notice shall be in the form lodged as Exhibit “B” to the Stipulation. All
23 Settling Class Members will be eligible to receive a portion of the Net Settlement Value (as
24 that term is defined in the Stipulation) pursuant to the calculations set out in the Stipulation.
25 The Claims Administrator shall make such further efforts as are possible and reasonable (if
26 any) to provide the Settlement Class Notice to 6 of the Settling Class Members whose
27 original Settlement Class Notice is returned as undeliverable, provided that all such efforts
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shall be completed by the thirtieth (30th) calendar day after the Settlement Class Notice is mailed. The Court finds that the content and schedule of the mailings discussed in this Order meet the requirements of due process, provide the best notice practicable, and will constitute sufficient notice to Settling Class Members.

6. **Requests for Adjustment.** Settling Class Members may request a change to their allocation under the Settlement by mailing the Claims Administrator a signed and dated Adjustment Form. The Adjustment Form shall be in the form lodged as Exhibit “C” to the Stipulation. Pursuant to the terms of the Stipulation, the Claims Administrator shall have the authority to determine the appropriate payments to Settling Class Members and shall have final authority to resolve any disputes regarding the same.

7. **Exclusions.** Putative Settling Class Members may exclude themselves from the Settlement Class by mailing the Claims Administrator a signed and dated Request for Exclusion. The Request for Exclusion shall be in the form attached hereto. Pursuant to the terms of the Stipulation, all Settling Class Members will be bound by the Stipulation and its release, regardless of whether or not they receive a payment, unless they timely file a proper Request for Exclusion.

IT IS SO ORDERED.

Dated:

HON. THOMAS S. CLARK
Superior Court of California, County of Kern