

DOUGLAS HAN (SBN 232858)
SHUNT TATAVOS-GHARAJEH (SBN 272164)
TALIA LUX (SBN 336074)
JUSTICE LAW CORPORATION
751 N. Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

Attorneys for Plaintiffs

JENNIFER RANDLETT MADDEN (SBN 184905)
CAROLINE M. COLANGELO (SBN 278071)
DELFINO MADDEN O'MALLEY COYLE & KOEWLER LLP
500 Capitol Mall, Suite 1550
Sacramento, California 95814
Telephone: (916) 661-5700
Facsimile: (916) 661-5701

Attorneys for Defendants

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

ANNA M. ANDRADE-SALINAS,
individually, and on behalf of other
members of the general public similarly
situated;

Plaintiff,

v.

CLAREMONT RETIREMENT
MANAGEMENT SERVICES, INC., a
California corporation; and DOES 1
through 100, inclusive;

Defendants.

Case No.: 34-2021-00294807-CU-OE-GDS

Assigned for All Purposes to:
Honorable Lauri A. Damrell
Department 28

CLASS ACTION

**AMENDMENT TO THE CLASS ACTION
AND PAGA SETTLEMENT AGREEMENT**

Complaint Filed: February 18, 2021
FAC Filed: May 22, 2023
Trial Date: None Set

1 This Amendment to the Class Action and PAGA Settlement Agreement is entered into
2 by Plaintiffs Anna M. Andrade-Salinas and Wisdom Kunitz (“Plaintiffs”) on their own behalf
3 and on behalf of all members of the Class on the one hand and Defendants Golden Pond, L.P.
4 and Claremont Retirement Management Services, Inc. (“Defendants”) on the other.

5 **RECITALS**

6 1. On July 18, 2023, the Parties fully executed the Class Action and PAGA
7 Settlement Agreement (“Settlement Agreement”) representing the long-form agreement
8 submitted to the Court for approval.

9 2. On July 25, 2023, Plaintiff submitted the Settlement Agreement to the Court for
10 approval, which was set for hearing on August 18, 2023.

11 3. On August 17, 2023, the Court issued a tentative ruling indicating it would
12 tentatively grant the Motion for Preliminary Approval if the Parties could explain how
13 distributing uncashed funds to the proposed *cy pres* recipient Claremount House, Inc. fulfills
14 the purpose of the lawsuit or is otherwise appropriate. The tentative ruling also ordered the
15 Parties to make some edits to the Court Approved Notice of Class Action Settlement and
16 Hearing Date for Final Court Approval (“Class Notice”) and present a redlined version of the
17 Class Notice to the Court. Finally, the tentative ruling set the Final Approval Hearing on
18 February 23, 2024 at 9:00 a.m.

19 4. Thereafter, the Parties met and conferred and made an appearance at the
20 Preliminary Approval Hearing set on August 18, 2023. During the Preliminary Approval
21 Hearing, the Court permitted the Parties to change the recipient of the uncashed settlement
22 funds to either the *cy pres* recipient Legal Aid At Work or California Controller’s Unclaimed
23 Property Fund. The Court also ordered the Parties to submit an Amendment to the Amendment
24 to the Class Action and PAGA Settlement Agreement along with an updated Class Notice and
25 redlined version of the Class Notice.

26 ///

27 ///

28 ///

1 **STIPULATION**

2 **1. Section D(3)(c) previously read as follows:**

3 For any Class Member whose Individual Class Payment check or Individual PAGA
4 Payment check is uncashed and cancelled after the void date, the Administrator shall transmit
5 the funds represented by such checks to the *cy pres* recipient Claremont House, Inc., thereby
6 leaving no “unpaid residue” subject to the requirements of Code of Civil Procedure section
7 384, subd. (b).

8 **Section D(3)(c) shall now read as follows:**

9 For any Class Member whose Individual Class Payment check or Individual PAGA
10 Payment check is uncashed and cancelled after the void date, the Administrator shall transmit
11 the funds represented by such checks to the California Controller’s Unclaimed Property Fund
12 in the name of the Class Member, thereby leaving no “unpaid residue” subject to the
13 requirements of Code of Civil Procedure section 384, subd. (b).

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

Dated: 08/21/2023

ANNA M. ANDRADE-SALINAS



Dated: 08/21/2023

WISDOM KUNITZ



Dated: _____

GOLDEN POND, L.P.

Name:
Title:

Dated: _____

**CLAREMONT RETIREMENT MANAGEMENT
SERVICES, INC.**

Name:
Title:

1 Dated: _____
2
3

ANNA M. ANDRADE-SALINAS

4

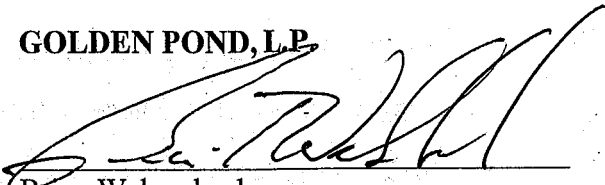
5 Dated: _____
6
7

WISDOM KUNITZ

8

9 Dated: 8/21/23
10

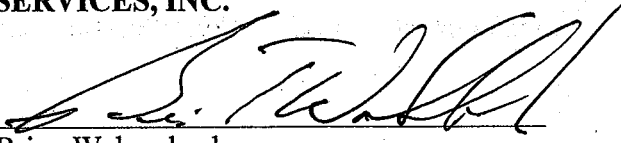
GOLDEN POND, L.P.


Brian Walgenbach

On behalf of Golden Pond, L.P.
11

12 Dated: 8/21/23
13

CLAREMONT RETIREMENT MANAGEMENT
SERVICES, INC.


Brian Walgenbach

On behalf of Claremont Retirement Management
Services, Inc.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **APPROVED AS TO FORM**

2
3 Dated: August 21, 2023

JUSTICE LAW CORPORATION



Douglas Han, Esq.

*Attorneys for Plaintiffs Anna M. Andrade-Salinas and
Wisdom Kunitz, on behalf of themselves and all others
similarly situated*

4
5
6
7
8
9 Dated: 8/21/23

**DELFINO MADDEN O'MALLEY COYLE &
KOEHLER LLP**



Jennifer Randlett, Esq.

*Attorneys for Defendants Golden Pond, L.P. and
Claremont Retirement Management Services, Inc.*

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

PROOF OF SERVICE
1013A(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Avenue, Suite 101, Pasadena, CA 91103 and my electronic service address is jtorrez@justicelawcorp.com

On August 22, 2023, I served the foregoing document described as

AMENDMENT TO THE CLASS ACTION AND PAGA SETTLEMENT AGREEMENT

for the following case: **Andrade-Salinas v. Claremont Retirement, et al.**
LWDA/Court Case No.: **LWDA Case No.: CM-815143-20**
 Court Case No.: 34-2021-00294807
 Sacramento County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

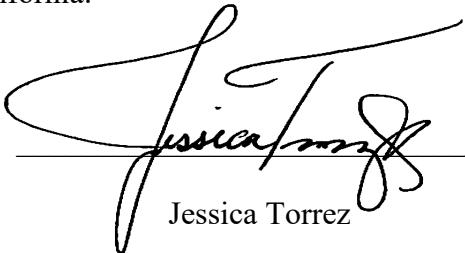
[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

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

Executed on August 22, 2023, at Pasadena, California.



Jessica Torrez