

Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com
Benjamin H. Haber (SBN 315664)
benjamin@wilshirelawfirm.com
Arrash T. Fattahi (SBN 333676)
afattahi@wilshirelawfirm.com
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

NORMAJEAN FERLAND, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

COMPREHENSIVE SPINE AND SPORTS
CENTER, an unknown corporation; and DOES
1 through 10, inclusive,

Defendants.

Case No. 21CV375218

CLASS ACTION

[Assigned for all purposes to: Hon. Sunil R.
Kulkarni, Dept. 1]

**DECLARATION OF LATLC PRESIDENT
STEVEN VARTAZARIAN IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Filed concurrently with: Plaintiff's Notice of
Motion and Motion for Preliminary Approval
of Class Action Settlement, Memorandum of
Points and Authorities; Declaration of Justin F.
Marquez in Support of Plaintiff's Motion for
Preliminary Approval of Class Action
Settlement; Declaration of NormaJean Ferland;
and [Proposed] Order Granting Plaintiff's
Motion for Preliminary Approval of Class
Action Settlement]

PRELIMINARY APPROVAL HEARING

Date: June 2, 2022

Time: 1:30 p.m.

Dept: 1

1 I, Steven Vartazarian declare as follows:

2 1. I am President of the Los Angeles Trial Lawyers' Charities ("LATLC"). I have
3 personal knowledge of all the facts stated herein, and if called to testify as a witness, I could and
4 would competently testify to them.

5 2. I submit this declaration in support of Plaintiffs' motion for preliminary approval
6 of settlement and in support of the *cy pres* distribution to LATLC.

7 **The Proposed Settlement**

8 3. After reviewing the terms of the proposed settlement, I approve of the settlement
9 for its fairness, adequacy, and reasonableness, as well as for its consideration of the public good.

10 4. The donation of the remainder of the common fund, after the deduction of claims,
11 fees, and costs, will represent a generous and beneficial gift to LATLC and the underserved
12 persons whom LATLC serves.

13 **Utilization of the Funds**

14 5. In the past, LATLC has been the *cy pres* recipient in ten wage and hour class
15 action cases, including *Espinosa v. Big Lots Settlement Fund*, Case No. CIV236538 (Ven. Sup.
16 Ct. 2005); *Solis v. Hi-Tech Collision*, Case No. BC336338 (L.A. Sup. Ct. 2005); *Greenberg v. E-*
17 *Trade Financial Corp.*, Case No. BC360152 (L.A. Sup. Ct.); *Elias v. El Pollo Loco, Inc.*, Case
18 No. BC313875 (L.A. Sup. Ct.); *Babayan v. BLS Limousine Service*, Case No. BC418088 (L.A.
19 Sup. Ct.); *Gutierrez v. California Commerce Club*, Case No. BC360704 (L.A. Sup. Ct.),
20 *Kalbaklian v. PSI Services*, Case No. BC637011; *Romagnolo v LA Bite*; *Eubanks v Panther II*
21 *Transportation*, Case 1:11-CV-02705-SC; and, *Glynn Van Norton v Associated Ready Mixed*
22 *Concrete*, Case BC 648499.

23 6. As the facts below attest, the proposed *cy pres* award to LATLC is a commendable
24 utilization of unpaid residuals because it furthers the essential public interest of improving the
25 conditions of the oppressed and underserved, fighting unemployment, and enhancing education,
26 safety, access to shelter, and opportunities.

27 7. In connection with this *cy pres* wage and hour award, LATLC will allocate the
28 award to specific charitable efforts specifically related to employment and professional

1 development and monitor those charitable efforts to ensure the *cy pres* funds are indeed utilized
2 for the earmarked purposes.

3 8. Since it began in 2006, LATLC has donated \$2,778,784.69 to organizations
4 helping people seek employment and promoting educational and professional opportunities.
5 Specifically, \$635,990.03 was donated to the following organizations:

- 6 a. The LA Mission: LATLC has donated \$96,570.03 to the LA Mission which
7 provides, among other things, training programs for people seeking employment;
- 8 b. The United States Veterans Initiative: LATLC has donated \$61,750.00 to U.S.
9 Vets that provides housing, employment and counseling services to the men and
10 women from all branches of the Armed Forces;
- 11 c. Downtown Women's Center: LATLC donated \$86,670.00 to Downtown Women's
12 Center, addressing the needs of women overcoming poverty and homelessness in
13 the Skid Row area;
- 14 d. Imagine LA: LATLC has donated \$84,500.00 to Imagine LA whose mission is to
15 end the cycle of family homelessness; because of their mentoring programs,
16 family incomes are up 71% and their children are thriving in school and
17 graduating;
- 18 e. Clothes the Deal: LATLC has donated \$16,000.00 to Clothes the Deal, an
19 organization that provides business clothing and accessories to help low-income
20 people achieve their career goals; and
- 21 f. Additionally, LATLC has donated \$272,500.00 to programs such as Youth
22 Mentoring Connection (\$114,500.00), The Harmony Project (\$82,500.00),
23 Alliance for College Ready Schools (\$47,500.00), and L.A. LGBT Center
24 (\$46,000.00) which are aimed at training and educating the youth of Los Angeles,
25 thereby giving them access to better educational and professional opportunities.

26 9. The *cy pres* funds would allow LATLC to continue to provide professional
27 advancement opportunities to countless underserved members of the greater Los Angeles
28 community.

1 **About LATLC**

2 10. Formed in 2006, LATLC is a California non-profit corporation and 501(c)(3) tax
3 exempt organization. Donations to LATLC qualify as charitable contributions under the IRS
4 Code. This document confirms LATLC's 501(c)(3) status and that donations to LATLC qualify
5 as charitable contributions under the IRS Code.

6 11. LATLC is devoted to making a positive difference in the quality of life for people
7 within the greater Los Angeles area, focusing on issues related to unemployment, homelessness,
8 hunger, children's education, survivors of abuse, and persons with disabilities. Boasting over
9 3,000 supporters, LATLC donated in excess of \$5,336,610.00 in grants, gifts and goods to more
10 than 121 partner charities, including the LA Mission, Clothes the Deal, Youth Mentoring
11 Connection, US Vets, The Harmony Project, and LA Alliance for College Ready Public Schools
12 as well as Downtown Women's Center, Blind Children's Center, Clare Foundation, Imagine LA,
13 People's Concern (OPCC), St. Anne's, The Rape Foundation, Venice Family Clinic, and Vista
14 Del Mar Child & Family Services, Inner City Law, Jewish Family Service, Toberman
15 Neighborhood Center, and Our House. LATLC also awarded \$240,000.00 in college scholarships
16 to 86 high school seniors based on academic achievement and need. LATLC's Youth Sports
17 Program has provided \$177,500.00 in direct grants to organized youth sports, including Buddy
18 Ball for disabled children. In addition to financial grants, LATLC participants have spent more
19 than 7,666 hours in community service since 2015 when the formal volunteer program began. In
20 2019, only 17.0% of all funds raised went towards administrative costs. During the pandemic,
21 with revenues reduced, 28.0% of all funds raised went toward administrative costs.

22 12. LATLC's mission is to make a positive difference in the quality of life for people
23 within the greater Los Angeles area. LATLC focuses on issues related to unemployment,
24 education, children, survivors of abuse, persons with disabilities, and homelessness by providing
25 financial and other assistance to those in need throughout our community. A true and correct
26 copy of LATLC's informational flyers are attached hereto as Exhibit 1, including *LATLC Fact*
27 *Sheet, What We Do, Who We Support, Why We Began, and LATLC By The Numbers.*

28 13. LATLC's mission conforms to the underlying objectives and purposes of the

1 present action, as the organization strives to provide access to employment and professional
2 advancement.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. This declaration was executed on May 10, 2022 at Los Angeles,
5 CA.

A handwritten signature in black ink, appearing to read 'S. Vartazarian', with a long horizontal line extending to the right.

6
7
8 /s/ STEVEN VARTAZARIAN
9 President,
10 Los Angeles Trial Lawyers' Charities
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1



President of the Board

Daniel Kramer

President-Elect

Steven Vartazarian

Vice President

Karina Lallande

Treasurer

Bradley Wallace

Secretary

Megan E. Klein

Immediate Past President

Alyssa K. Schabloski (2020)

Past Presidents

Gerald I. Marcus (2019)

Geraldine Weiss (2018)

Michael Alder (2017)

Scott J. Corwin (2016)

Minh T. Nguyen (2014)

Board of Directors

Christopher T. Aumais**

Mark Bloom

Ryan Clarkson**

Erica Chavez

Daniel DeSantis

Andrew L. Ellis**

Thomas S. Feher**

Mauro Fiore**

Kristine Gallo

Stephen Glass

Humberto Guizar

Candice S. Klein**

Michael M. Marzban

Ese Omofoma

Neyleen S. Ortiz-Beljaev

Robert J. Ounjian**

Sergio J. Puche

Griselda Rodriguez

Bobby Saadian**

Ibiere N. Seck**

Gene Sullivan**

Olivier Taillieu

Belinda Theam

Jeremy Tissot

Michelle West

Lauren Wood**

Legacy & Leadership Council

Joseph M. Barrett*

Pejman A. Ben-Cohen*

David DeRubertis**

Arash Homampour**

Aimee Kirby*

Spencer Lucas**

Robert T. Simon*

Bruce E. Traney*

Executive Director

Lissa Mozur Zanville

Director of Operations

Lara Weiss

* Past President

** Director Emeritus

January 2021

**ATTENTION: CALIFORNIA CLASS ACTION ATTORNEYS
Please Consider LATLC as Your Next Cy Pres Recipient**

Dear Sir or Madam:

We are the Los Angeles Trial Lawyers' Charities (LATLC), a 501(c)(3) tax exempt non-profit corporation. We are trial lawyers who work to improve the lives of the most vulnerable among us and tackle a wide range of issues of great socioeconomic importance within our community. We assist persons with disabilities, aid survivors of abuse, provide funding for children's education and extracurricular activities, support military veterans, and serve the homeless, hungry, and unemployed through financial support and community service. Most of the funds raised by LATLC go directly to members of our community, with only 17.0% allocated as administrative costs. (Because of decreased revenues due to the pandemic, administrative costs were 28.0% in 2020.) Most within our leadership and membership also are leaders and members of CAOC, CAALA, AAJ, CELA, and other legal organizations working hard every day for the people of our great state of California.

We humbly ask you to join our cause and take part in LATLC's new outreach initiative called the Cy Pres Program.

Through the *Cy Pres* Program, LATLC is reaching out to every lawyer who has litigated a class action in any California state or federal court within the past 24 months. Our hope is that you will consider recommending LATLC as a *cy pres* recipient on one or more of your cases in the near future, should the facts of your particular case support it.

Included with this letter is LATLC's *Cy Pres* Program Packet, which consists of the following:

- Literature about LATLC, including "What We Do," "Who We Support," "Why We Began," "LATLC By The Numbers" and a basic LATLC Fact Sheet;
- An informative article entitled *Who Gets the Leftovers? Understanding California's Cy Pres Doctrine*; and
- A sample Declaration In Support of Motion for Preliminary Approval previously used by several class action law firms to successfully direct *cy pres* funds to LATLC.

Los Angeles Trial Lawyers' Charities

A California Nonprofit Public Benefit Corporation
2708 Wilshire Blvd., #391, Santa Monica, CA 90403
A 501(c)(3) Organization | Federal Tax ID # 20-5658982
844-44-LATLC
www.latlc.org
info@latlc.org



January 2021

Page 2

With its broad range of services and work with partner charities, LATLC is an ideal candidate for *cy pres* awards in several class action arenas.

For example, **LATLC has received approval as a *cy pres* recipient from several California courts presiding over wage and hour class actions** as a result of LATLC's work with U.S. Vets, Ability First, Youth Mentoring Connection, Exceptional Children's Foundation, and Imagine LA. Funds have been utilized to provide professional and educational advancement opportunities to members of the greater Los Angeles community.

Through our work feeding the hungry with partner charities such as LA Mission, Downtown Women's Center, and The People Concern, among others, **LATLC is also an ideal candidate for *cy pres* awards in consumer fraud class actions** like food product mislabeling and dietary supplement cases.

If you have negotiated a class action settlement with a *cy pres* component and are looking for potential designees to work with you towards achieving preliminary and/or final approval, please contact LATLC to determine whether our organization would be an appropriate recipient. A member of our Board will be assigned to work with your team to provide everything you need to ensure a successful approval process.

We humbly ask for your support by allowing LATLC to present an application to receive *cy pres* funds in your next class action settlement.

In addition, LATLC is making a push to increase our class action attorney representation on LATLC's Honorary Board of Governors (HBOG), the support of whom is vital to fulfilling our mission to make a positive difference in greater Los Angeles on issues related to education, children, survivors of abuse, persons with disabilities, and the homeless and hungry. Our current Honorary Board membership can be viewed at <http://www.latlc.org/Honorary-Board/>.

We also ask for your support in joining LATLC's Honorary Board of Governors today. Please access the online contribution form at <http://www.latlc.org/Donate.shtml>.

With gratitude,

All Members of the Board of Directors,
Los Angeles Trial Lawyers' Charities

Los Angeles Trial Lawyers' Charities

A California Nonprofit Public Benefit Corporation
2708 Wilshire Blvd., #391, Santa Monica, CA 90403
A 501(c)(3) Organization | Federal Tax ID # 20-5658982
844-44-LATLC
www.latlc.org
info@latlc.org



WHAT WE DO

supporting our community.

Los Angeles Trial Lawyers' Charities was formed to offer both financial support and community service to non-profit organizations in the greater Los Angeles area. LATLC's focus is on issues related to education, children, survivors of abuse, persons with disabilities, and homelessness.

financial and inkind donations.

LATLC has donated more than **\$5,034,013** to non-profits in the greater Los Angeles area. Since the organization began in 2006, LATLC's has made financial grants to **106 non-profits**.

partner charity service projects.

In 2006 a small group of Los Angeles trial lawyers for the people, consumer attorneys who fight for justice on behalf of the great people in our City of Los Angeles, embarked on a new way to serve our community beyond their roles as attorneys. LATLC's most important and popular activities are the service projects in our community, with 12 - 15 set throughout the year. They have included:

- Cooking and serving meals at Downtown Women's Center and The People Concern
- Providing baseball equipment to Buddy Ball teams of special needs boys and girls;
- Painting the hallways and mulching the playground at the Exceptional Children's Foundation Early Childhood center
- Assembling veterans' care packages at the LA LGBT Center
- Decorating and hosting an annual Valentine's Day luncheon for the homeless at the Los Angeles Mission
- Purchasing and handing-out healthy snacks at the El Nido Family Fair
- Adding drought-resistant plants and trees to the Vista Del Mar Family Services' gardens

signature events

In 2016, LATLC initiated its first independent event – **THE ANNUAL HOLIDAY GIVEAWAY** – at the New Prospect Baptist Church in south central Los Angeles. Now called "Comfort & Joy," LATLC partners with LAPD's Newton Division and the event has grown to 550 families, 2,000 attendees, and 208 volunteers. We distribute thousands of toys, along with all the "makings" of a family dinner and a "Holiday Market" with much needed household items. LATLC also creates a full holiday village, with snacks, games, arts and crafts, a petting zoo, pony rides plus "Mr. and Mrs. Santa Claus!" Even during the pandemic LATLC continued to share "Comfort & Joy" items throughout south central Los Angeles, with Newton police officers serving as "patrol car Santas" and personally delivering the items. A second community event was added in 2017 – **THE GREAT TRYKE GIVEAWAY** – and to date we have presented customized bicycles to 82 special needs children. A third event, the **DAY OF DIGNITY** for the homeless, includes personal services, clothing, showers, and 500 toiletry kits assembled by volunteers at the CAALA convention.



LOS ANGELES TRIAL LAWYERS' CHARITIES

JUSTICE IN THE COURTROOM. SERVICE IN THE COMMUNITY

2708 Wilshire Blvd., Suite 391, Santa Monica, CA 90403 • 844-44-LATLC (844-445-2852)

www.latlc.org • info@latlc.org

A California Nonprofit Public Benefit Corporation
501(c)(3) Federal Tax. ID# 20-5658982

WHO WE SUPPORT

partner charities

LATLC was formed to offer both financial support and community service to non-profit organizations in the greater Los Angeles area, focusing on education, children, survivors of abuse, persons with disabilities, and homelessness. Since 2006, LATLC has worked with 106 partner charities and donated more than \$5,034,013 in goods, gifts and grants:

Ability First
Advancement Project
After School All Stars
Airport Marina Counseling
Alliance College
Ready Public Schools
A Place Called Home
AVIVA
Blessings in a Backpack
Blind Children's Center
Bresse Foundation
Buddy Ball
CASA Los Angeles
Child Advocacy Center of
Pomona
City Hearts
CLARE/Matrix Foundation
Clothes the Deal
Conejo Valley Free Clinic
Downtown Women's Center
El Nido Family Centers
Exceptional Children's
Foundation

First Place for Youth
First Tee of Los Angeles
Foothill Family Service
Foothill Unity Center
FreeFrom
Giving Spirit
Harmony Project
Haynes Family of Programs
Imagine LA
Independence Center
Inner City Law Center
Jewish Family Service of L.A.
Kiwanis Club of Warner
Center
Lava Mae
LA LGBT Center
Los Angeles Mission
March of Dimes Los Angeles
MEND (Meet Each Need with
Dignity)
Miracle Project
NextStep Fitness
One Wish – One Need

OUR HOUSE Grief Support
Center
Pals n Pets
People Assisting The
Homeless (P.A.T.H.)
Pediatric Cancer
Research Foundation
People Concern
Play It Forward
POPS the Club
Power of a Shower
Rape Foundation
Reading Partners
Red Star Riders
Rising Star Music Foundation
SFV Community Mental
Health Center
SFV Refugee Children's Center
Shane's Inspiration
SoCal Trykers
South Central Scholars
Su Casa – Ending Domestic Violence
St. Anne's

St. Joseph's Center
Steam: Coders
Team Prime Time
Tierra del Sol Foundation
Toberman Neighborhood
Center
Trevor Project
Triumph Foundation
U.S. VETS
Union Station Homeless Services
Venice Community
Housing Corp.
Venice Family Clinic
Vision to Learn
Vista Del Mar Family
Services
Walk With Sally
Westside Children's Center
Youth Mentoring Connection

college scholarships

In 2015, LATLC implemented its annual college scholarship program to help local high school seniors attend college and become future leaders of tomorrow. Today we have provided a total of \$200,000 for 69 scholarships.

youth sports

In our effort to broaden our assistance directly to our local communities, the Los Angeles Trial Lawyers' Charities launched the Youth Sports Sponsorship Program in 2014 to help children. LATLC provides grants to sports organizations and public school athletic programs. We support sports from baseball to football to cheer to dance and even synchronized swimming! As of the end of 2020, LATLC has donated more than \$164,000 to 120 organizations.



LOS ANGELES TRIAL LAWYERS' CHARITIES

JUSTICE IN THE COURTROOM. SERVICE IN THE COMMUNITY

2708 Wilshire Blvd., Suite 391, Santa Monica, CA 90403 • 844-44-LATLC (844-445-2852)

www.latlc.org • info@latlc.org

A California Nonprofit Public Benefit Corporation
501(c)(3) Federal Tax. ID# 20-5658982



WHY WE BEGAN

our mission.

The primary purpose of the Los Angeles Trial Lawyers' Charities (LATLC) is to make a positive difference in the quality of life for people within the greater Los Angeles area, focusing on issues related to education, children, survivors of abuse, persons with disabilities, and homelessness, by providing financial assistance and volunteer service to groups in need.

our history.

In 2006 a small group of trial lawyers for the people, consumer attorneys who fight for justice on behalf of the great people in Los Angeles, embarked on a new way to serve our community beyond their roles as attorneys. Inspired by this concept of doing charitable works in our local areas, these lawyers channeled their passion for justice towards improving the conditions of the oppressed and underserved, enhancing education, safety, access to shelter and opportunities. Founded by Bruce Traney and supported by a handful of plaintiff attorneys, soon the group grew to a hundred founding friends and even more active members.

Today LATLC has more than **3,000 supporters**, **donated more than \$5,034,013** in grants, gifts and goods, provided **69 students with \$200,000 in college scholarships**, presented **82 adaptive bicycles to special needs children**, and **donated \$164,000 to 120 youth sports organizations**. In addition, LATLC **volunteers have spent more than 6,080 hours since our formal service program began in 2015**. LATLC has been honored by the California State Assembly and State Senate.

our leadership.

2006 Bruce Traney
2007 Bruce Traney
2008 Bruce Traney
2009 Bruce Traney
2010 Pejman Ben-Cohen

2011 Joe Barrett
2012 Joe Barrett
2013 Robert Simon
2014 Minh Nguyen
2015 Aimee Kirby
2016 Scott J. Corwin

2017 C. Michael Alder
2018 Geraldine Weiss
2019 Gerald Marcus
2020 Alyssa Schabloski
2021 Daniel Kramer



LOS ANGELES TRIAL LAWYERS' CHARITIES

JUSTICE IN THE COURTROOM. SERVICE IN THE COMMUNITY

2708 Wilshire Blvd., Suite 391, Santa Monica, CA 90403 • 844-44-LATLC (844-445-2852)

www.latlc.org • info@latlc.org

A California Nonprofit Public Benefit Corporation
501(c)(3) Federal Tax. ID# 20-5658982



BY THE NUMBERS.



\$5,034,013

to the community
in grants, gifts, and goods



106

partner charities
supported



6,080

volunteer hours
since formal service
program began in 2015



\$164,000

to more than 120 youth
sports organizations



250

people attend first
Day of Dignity for those
experiencing homelessness



\$200,000

in college scholarships
to 69 high school
graduates in need



82

customized tricycles
presented to special
needs children



9,000

community neighbors in
need given holiday
meals and toys

Los Angeles Trial Lawyers' Charities began over a dozen years ago to uplift our community.
Trial lawyers fight for people injured by unsafe medicine,
unsafe products, and unfair business practices. We believe in

JUSTICE IN THE COURTROOM.
SERVICE IN THE COMMUNITY.

www.latlc.org | 844.44.LATLC | info@latlc.org | Fed. Tax ID# 20-5658982
2708 Wilshire Boulevard, Suite 391, Santa Monica, CA 90403



JUSTICE IN THE COURTROOM. SERVICE IN THE COMMUNITY



FOR MORE INFORMATION:

Los Angeles Trial Lawyers' Charities
2708 Wilshire Blvd., Suite 391
Santa Monica, CA 90403
844-44-LATLC | 844-445-2852
www.latlc.org
info@latlc.org

A 501(c)(3) Organization | Federal Tax ID #20-5658982



WHO WE ARE...

Los Angeles Trial Lawyers' Charities (LATLC) was founded in 2006 by a group of seven plaintiff personal injury attorneys, whose mission was to make a positive difference in the quality of life for people in southern California.

Today, LATLC focuses on issues related to education, children, survivors of abuse, persons with disabilities, and homelessness. We have grown to more than 3,000 supporters, volunteering both our time and resources to serve the community.

WHAT WE DO ...

LATLC currently partners with 106 non-profits throughout southern California. Because of our work, Los Angeles Trial Lawyers' Charities has positively affected hundreds of thousands of lives through:

- **Contributions to the Community** – LATLC donated more than \$5,034,013 in grants, gifts and goods.
- **Volunteer Events** – In 2015, LATLC created a formal volunteer program. Since then more than 1,800 people have donated 6,080 hours of their time to service
- **College Scholarship Program** - \$200,000 in scholarships awarded to 69 high school seniors based on academic achievement and need.
- **Youth Sports Program** - \$164,000 in direct financial grants to organized youth sports and public school athletic programs, sponsoring everything from softball to soccer to football to dance and cheer, and even synchronized swimming.
- **Community Support:** LATLC initiated its own signature events and activities including: "Comfort and Joy" Holiday Village with Food & Toy Giveaway in south central Los Angeles for more than 550 families annually; Great Tryke Giveaway, where we present custom bicycles to disabled children; and, Day of Dignity for the homeless with services, showers and more than 500 toiletry kits assembled by volunteers during the annual Consumer Attorneys Association of Los Angeles convention.

FOR MORE INFORMATION:

Los Angeles Trial Lawyers' Charities
2708 Wilshire Blvd., Suite 391
Santa Monica, CA 90403
844-44-LATLC | 844-445-2852
www.latlc.org
info@latlc.org

A 501(c)(3) Organization | Federal Tax ID #20-5658982

WHO GETS THE LEFTOVERS?

Understanding California's Cy Pres Doctrine¹



Cy pres—pronounced “sigh pray” (although some people pronounce it “see pray”)—is an abbreviated version of the French phrase *cy près comme possible*, which translates to “as near as possible.” When applied to a class action lawsuit, the doctrine allows for residual funds from a settlement to be distributed to a nonprofit organization “whose mission is consistent with the goals of the underlying litigation,” says Ryan J. Clarkson, President and principal shareholder at Clarkson Law Firm, P.C. in Los Angeles, California.

Pursuant to California Code of Civil Procedure Section 384, the leftovers may be distributed to one or more nonprofits that “promote justice for all Californians.” More specifically, funds are generally distributed to nonprofit organizations or foundations that support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the objectives and purposes of the underlying cause of action, to child advocacy programs, or to nonprofit organizations providing civil legal services to the indigent.

Example: LATLC

With its wide range of services, the Los Angeles Trial Lawyers' Charities (LATLC) is an ideal candidate for *cy pres* awards.

LATLC works with numerous charities in the greater Los Angeles area, focusing on issues related to children's education, survivors of abuse, persons with disabilities, and the homeless and hungry.

Money from *cy pres* awards are put directly back into the Los Angeles community. For example, *cy pres* awards will help LATLC fund grants and scholarships for at-risk youths, clothe and feed the homeless, and render much needed support to

CY PRES EXPLAINED



various other groups in the Los Angeles area.

The Process

Potential recipients are typically proposed by plaintiff's counsel; as a general rule, the defendant and defense counsel are not involved in the selection process, but they, as well as the class members, have the opportunity to object. The *cy pres* candidates are presented to the court in a written pleading. The trial judge makes the final decision subject to possible appellate review.

Choices

Courts carefully review the proposed *cy pres* recipients as part of their evaluation of the class action settlement.

It is not unheard of for a court to reject a proposed recipient. For example, in *Dennis v. Kellogg Company*, plaintiffs proposed that the *cy pres* award go to charities that provide food to people in need. While the agreement was deemed a “noble goal,” the Ninth Circuit said, “not just any worthy recipient can qualify as an appropriate *cy pres* beneficiary.” The settlement was reversed and remanded, and negotiations were reopened to select organizations that work to protect consumers from injuries caused by false advertising, a closer match to the issues of the lawsuit.

Choosing the right charities to pitch can be a daunting task considering there are about 1.5 million nonprofit organizations in the United States. Before entering into a settlement negotiation, attorneys familiarize themselves with programs, gather current information from organizations, brochures, documents, websites, and prepare to present the judge with a few options.

With its broad range of services and work with partner charities, LATLC is an ideal candidate for *cy pres* awards in a wide breadth of class action arenas.

For example, **LATLC has received approval as a *cy pres* recipient from several California courts presiding over wage and hour class actions** as a result of LATLC’s work with the LA Mission, Clothes the Deal, Youth Mentoring Connection, and LA Alliance. Funds have been utilized to provide professional and educational advancement opportunities to members of the greater Los Angeles community. In addition, through our work feeding the hungry with partner charities such as LA Mission, Downtown Women’s Center, and Ocean Park Community Center, among others, **LATLC is also an ideal candidate for *cy pres* awards in consumer fraud class actions like food mislabeling and dietary supplement cases.**

If you have a class action settlement with a *cy pres* component and are looking for potential *cy pres* designees to work with you towards achieving preliminary and/or final approval, please contact LATLC to determine whether our organization would be an appropriate recipient. A member of our Board will be assigned to work with your team to provide everything you need to ensure a successful approval process.

¹ The information used in creating this document was gathered from The Bar Association of San Francisco. KATHLEEN GUTHRIE WOODS, UNDERSTANDING CALIFORNIA’S CY PRES DOCTRINE 32 – 35 (Fall 2014).

Ferland v. Comprehensive Spine and Sports Center, et al.
21CV375218

I, Ashley Narinyans, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

Jason A. Weiss (SBN 185268)
jweiss@sheppardmullin.com
Molly M. Brooks (SBN 329247)
mbrooks@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
650 Town Center Drive, 10th Floor
Costa Mesa, California 92626
Telephone: (714) 513-5100
Facsimile: (714) 513-5130

Attorneys for Defendant

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on **May 10, 2022**, at Los Angeles, California.

Ashley Narinyans
Type or Print Name

Signature _____