

1 JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
2 POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
3 ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
4 HAMMONDLAW, P.C.
5 1201 Pacific Ave., Suite 600
Tacoma, WA 98402
6 (310) 601-6766
7 (310) 295-2385 (Fax)
Attorneys for Plaintiffs and the Putative Class

8
9 *Additional Counsel listed on next page*
10
11
12

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

15
16 **RAKLY DOMINGUEZ and GRACE**
DOMINGUEZ, individually and on behalf of all
17 others similarly situated,
18 Plaintiffs,

19 vs.

20 **ALL-PRO BAIL BONDS, INC.**, a California
Corporation, **BANKERS INSURANCE**
21 **COMPANY**, a Florida Corporation, and
BANKERS SURETY SERVICES, INC., a
22 Florida Corporation,
23 Defendants.

CASE NO. 21CV381890
**JOINT STIPULATION TO MODIFY
PAYMENT SCHEDULE; [PROPOSED]
ORDER**

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

GARY A. NYE (SBN 126104)
gan@rpnalaw.com
Roxborough, Pomerance, Nye, & Adreani, LLP
5900 Canoga Avenue Suite 450
Woodland Hills, CA 91367
(818) 992-9999
(818) 992-9991 (Fax)
Attorneys for Defendant All-Pro Bail Bonds

ETHAN LOEB
ethanl@sblfirm.com
ALLISON C. DOUCETTE
AllisonD@sblfirm.com
Smolker Bartlett Loeb Hinds & Thompson
100 N. Tampa Street
Suite 2050
Tampa, Florida 33602
*Attorney for Defendant Bankers Insurance Company
& Bankers Surety Services, Inc.'s*

1 Plaintiffs Rakly Dominguez and Grace Dominguez, Defendant All-Pro Bail Bonds, and
2 Defendants Bankers Insurance Company and Bankers Surety Services, Inc., hereby stipulate and request
3 as follows:

4 1. On October 19, 2023 the Court entered an Order and Judgment Granting Final Approval
5 of the Class Action Settlement Agreement and specifically approved:

- 6 a. The Gross Settlement Amount of \$2,300,000;
- 7 b. Class Representatives' service awards of \$5,000 to Plaintiff Rakly Dominguez and
8 \$2,500 to Plaintiff Grace Dominguez;
- 9 c. Class Counsels' fees award of \$766,590;
- 10 d. Class Counsel's litigation expenses of \$12,375.56;
- 11 e. Payment to Atticus of \$100,000 as costs of settlement administration;
- 12 f. Payment from the Net Settlement of amounts to Class Members, as specified in
13 Settlement Agreement;

14 2. The Court set a Final Accounting hearing for May 22, 2024 at 2:30 p.m. in Department
15 19.

16 3. Finally, the Court retained "exclusive and continuing jurisdiction over the litigation for
17 purposes of supervising, implementing, interpreting, and enforcing this Final Approval Order and the
18 Settlement Agreement, and, if necessary, to conduct a further hearing on certification of distribution of
19 settlement amounts."

20 4. Pursuant to the Settlement Agreement, ¶ 4.1-4.2, the deadline for All Pro to fund the Gross
21 Settlement Amount is 15 court days of the Effective Date, which is November 9, 2023; and the deadline
22 for the Administrator to distribute the funds is 7 calendar days after deposit, which is November 16, 2023.

23 5. On November 1, 2023, All Pro's Counsel informed Class Counsel that All Pro did not have
24 sufficient cash to fund the entire Gross Settlement on November 9, 2023. Thereafter, All Pro provided its
25 confidential Financial Statements to Class Counsel who reviewed them. *See* Declaration of Stefan Gibbs,
26 filed herewith. In light of All Pro's lack of cash on hand, All Pro requested that Plaintiff agree to an
27 extended payment schedule of funding 50% of the Gross settlement (\$1,150,000) on November 9, 2023,
28 and the remaining 50% (\$1,150,000) by April 15, 2024.

6. In addition, All Pro has agreed that by April 15, 2024 it will deposit an additional \$34,980,
in Settlement Administration fees that are expected to be incurred as a result of the extended payment
schedule.

1 7. The parties agree that both installments of the Gross Settlement Amount will be distributed
2 consistent with the allocation and the deadlines provided in the Court approved Settlement Agreement
3 and detailed in the Proposed Order below.

4 8. In light of All Pro's precarious financial situation, the parties agree that an extended
5 payment schedule is in the best interest of the Class. Class Counsel believes that attempting to enforce the
6 Judgment by obtaining a writ and levying All Pro's bank accounts or other assets, may take as long as (or
7 longer than) the six months contemplated under the extended payment schedule, and will likely be costly
8 and time consuming. Further, All Pro believes that an attempt to execute on the Final Order and Judgment
9 will result in the immediate filing of Chapter 11 Bankruptcy Proceeding. Alternatively, if the Court
10 approves the extended payment schedule, the Class will receive half of their settlement shares
11 immediately, and the other half of their shares within the next 6 months.

IT IS SO STIPULATED.

12 DATED: November 8, 2023

HAMMONDLAW, P.C.

14 By: s/Julian Hammond
15 Julian Hammond

16 Attorneys for Plaintiffs

18 SMOLKER BARTLETT LOEB HINDS
& THOMPSON, PLLC.

20 By: s/Allison C. Doucette

21 Allison C. Doucette
22 Admitted Pro Hac Vice
23 Attorneys for Defendants *Bankers Insurance*
Company & Bankers Surety Services, Inc.

24 ROXBOROUGH, POMERANCE, NYE &
25 ADREANI, LLP

26 By: s/Gary A. Nye

27 GARY A. NYE
28 Attorneys for Defendant
ALL-PRO BAIL BONDS, INC

1
2 **[PROPOSED] ORDER**

3 The Court, having reviewed and considered the Stipulation of the parties, and good cause
4 appearing, hereby approves the agreed-upon modified payment schedule:

5 1. All Pro will remit \$1,150,000 to the Settlement Administrator by November 9, 2023.
6 Within 7 calendar days of the deposit, the Administrator will distribute the funds as follows:

- 7 a. Attorneys' fees in the amount of \$383,295 (half of the Court-approved fees of
8 \$766,590) and costs in the amount of \$6,187.78 (half of the Court-approved costs
9 of \$12,375.56);
10 b. Service Awards in the amount of \$2,500 to Rakly Dominguez (half of the Court-
11 approved service award of \$5,000) and \$1,250 to Grace Dominguez (half of the
12 Court-approved service award of \$2,500);
13 c. \$50,000 in administration costs (half of the Court-approved costs of \$100,000); and
14 d. \$707,767.22 to the Class (half of the \$1,413,534.44 of the Net Settlement).

15 2. On or before April 15, 2024, All Pro will remit \$1,184,890 to the Settlement Administrator,
16 consisting of the remaining \$1,150,000 Gross Settlement and \$34,980 in additional administration costs.
17 Within 7 calendar days of the deposit, the Administrator will distribute the funds as follows:

- 18 a. attorneys' fees in the amount of \$383,295 (half of the Court-approved fees of
19 \$766,590) and costs in the amount of \$6,187.78 (half of the Court-approved costs of
20 \$12,375.56);
21 b. Service Awards in the amount of \$2,500 to Rakly Dominguez (half of the Court-
22 approved service award of \$5,000) and \$1,250 to Grace Dominguez (half of the Court-
23 approved service award of \$2,500);
24 c. \$50,000 in administration costs (half of the Court-approved costs of \$100,000) and an
25 additional \$34,980 in costs associated with the extended payment schedule; and
26 d. \$707,767.22 to the Class (half of the \$1,413,534.44 of the Net Settlement).

27 3. The Final Accounting hearing set for May 22, 2024 is hereby continued until January 22,
28 2025 at 2:30 p.m.

4. The Court retains jurisdiction over the above-captioned action and the parties to enforce
the terms of the enforcing the Final Approval Order, the Order Modifying Payment Schedule, and the
Settlement Agreement.

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

IT IS SO ORDERED.

Dated:

HON. THEODORE C. ZAYNER
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and
5 not a party to the within action. My business address is 5900 Canoga Avenue, Suite 450, Woodland
6 Hills, California 91367.

7 On November 8, 2023, I served the foregoing document described as **JOINT**
8 **STIPULATION TO MODIFY PAYMENT SCHEDULE; [PROPOSED] ORDER** on the
9 interested party(ies) in this action as follows:

9 Julian Hammond
10 Polina Brandler
11 Ari Cherniak
12 HAMMONDLAW, P.C.
13 11780 W Sample Rd., Suite 103
14 Coral Springs, FL 33065

Attorneys for Plaintiffs
Via E-Mail
jhammond@hammondlawpc.com
pbrandler@hammondlawpc.com
achemiak@hammondlawpc.com

12 Ethan J. Loeb
13 Allison C. Doucette
14 Smolker Bartlett Loeb Hinds & Thompson
15 100 N. Tampa Street, Suite 2050
16 Tampa, Florida 33602

Attorneys for Defendant Bankers Insurance
Via E-Mail
ethanl@sblfirm.com
AllisonD@sblfirm.com

16 Garrett Prybylo
17 Seyfnia & Prybylo, LLP.
18 633 W 5th St, Ste. 2600
19 Los Angeles, CA 90071-2053

gprybylo@splawllp.com

20 **BY ELECTRONIC MAIL:** I caused such documents listed above to be transmitted via e-
21 mail to each of the above-listed parties at the e-mail address as last given by that person on
22 any document which he or she has filed in this action and served upon this office.

23 **STATE:** I declare under penalty of perjury and under the laws of the State of California that
24 the foregoing is true and correct.

25 Executed on **November 8, 2023** at Woodland Hills, California.

26 

27 Kristin Galetano