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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

ZENIA OCANA, et al.,

Plaintiffs,

v.

RENEW FINANCIAL HOLDINGS, INC.,
et al.,

Defendants.

Case No. BC701809

Related Case No. BC701809

Honorable William Highberger

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND AWARDED
ATTORNEYS' FEES AND COSTS**

AND RELATED ACTION.

FILED
Superior Court of California
County of Los Angeles
01/10/2025
David W. Slayton, Executive Officer / Clerk of Court
By: A. Morales Deputy

1 **Final Approval Hearing**

2 On September 24, 2024 at 9:00 a.m. this Court heard argument on the motion by Plaintiffs
3 Zenia Ocana, Juan Ocana Lau, Violeta Senac, Maria Alvarez, Reginald Nemore, Aurelia
4 Millender, and Allen Bowen, individually and on behalf of all others similarly situated
5 (collectively, “Plaintiffs”), for Final Approval of the Class Action Settlement and for Certification
6 of the Settlement Class in this matter, as well as for an award of attorneys’ fees and costs.

7 During the September 24, 2024 hearing, a class member addressed the Court, expressing
8 frustration with the County Defendant’s supervision of the PACE program, and raising questions
9 about how the settlement would affect her individual circumstances. The Court ordered the
10 parties to file a supplemental report about the class member’s PACE liens, her claim form, and
11 expected benefit from the settlement by October 1, 2024, and scheduled another hearing October
12 4, 2024 to continue assessing final approval.

13 At the hearing on October 4, 2024, the class member again addressed the court and
14 restated her frustrations with her experience with the PACE program. In response, the Court
15 ordered the parties to submit a further report providing additional information about the class
16 member’s liens by November 4, 2024, and scheduled a further hearing on final approval on
17 November 14, 2024.

18 At the hearing on November 14, 2024, the Court indicated that its concerns regarding the
19 issues raised by the class member had been fully satisfied by the parties’ supplemental report and
20 supporting material and indicated it was granting final approval of the settlement. The Court
21 requested Counsel for Plaintiff to submit an updated proposed order granting final approval and a
22 proposed judgment.

23 **Preliminary Approval**

24 On March 25, 2024, this Court entered an Order granting preliminary approval of a
25 settlement in these matters, resulting in preliminary certification of the following provisional
26 Settlement Classes:

- 27 • **The “Ocana Class”**: The “PACE Class” consists of all homeowners who purportedly
28 entered into a Renew Financial Assessment Contract with Los Angeles County
 between March 1, 2015 and March 31, 2018, where that assessment contract has been
 recorded as a lien against the homeowner’s real property; and

- **The “Nemore Class”**: The “PACE Class” consists of all homeowners who purportedly entered into a Renovate America Hero Assessment Contract with Los Angeles County between March 1, 2015 and March 31, 2018, where that assessment contract has been recorded as a lien against the homeowner’s real property.

The Court’s Order further directed the parties to provide notice to the class, which informed absent class members of: (a) the Proposed Settlement and the Settlement’s key terms; (b) the date, time, and location of the final approval hearing; (c) the right of any class member to object to the Settlement and an explanation of the procedures to exercise that right; (d) the right of any class member to exclude themselves from the settlement and an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for the proposed class members to participate in the proposed settlement.

Final Approval

The Court, upon Notice having been given as required in the Preliminary Approval Order, and having considered the proposed Settlement Agreement, and all papers filed, hereby

ORDERS, ADJUDGES, and DECREES as follows:

1. The Court has jurisdiction over the subject matter of these actions, over all parties to these actions, and over all members of the Settlement Class.
2. The Court finds that the Settlement Class is properly certified as a Settlement Class for settlement purposes only.
3. The Notice provided to the Settlement Class conforms with the requirements of California Code of Civil Procedure 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and it constitutes the best notice practicable under the circumstances by providing individual notice to all class members who could be identified and located through reasonable effort and by providing due and adequate notice of the proceedings and of the matters set forth therein to other class members. The notice fully satisfied the requirements of due process.
4. The Court finds that the settlement was entered into in good faith, that the settlement

1 is fair, reasonable, and adequate, and that the settlement satisfies the standards and
2 applicable requirements for final approval of this class action settlement under
3 California law, including the provisions of California Civil Code section 382 and
4 California Rules of Court, Rule 3.769.

- 5 5. One class member, Joan Banks, objected to the terms of the settlement, asserting that
6 the release was overbroad under *Amaro v. Anaheim Arena Mgmt.*, 69 Cal. App. 5th
7 521 (2021). Finding that the Settlement is fair, reasonable, and adequate, the Court
8 finds that the objection lacks merit. The Court overruled Ms. Banks' objection on
9 September 24, 2024.
- 10 6. Fifty-five (55) class members have submitted valid requests for exclusion from the
11 settlement. Class members who have validly requested exclusion will be identified in
12 the Judgment in this action and will not be bound by that Judgment.
- 13 7. Upon entry of this Order, the Settlement Administrator shall effect compensation to
14 the participating members of the Settlement Class pursuant to the terms of the
15 Settlement Agreement. The Settlement Administrator will use free publicly available
16 data to attempt to ascertain the amount of any outstanding PACE assessment for each
17 class member to make Level Two, Three, and Four recovery payments in accordance
18 with the Settlement Agreement, to wit, first to make payments toward the class
19 member's existing PACE assessment, if any, before remitting the remainder of any
20 settlement benefit for that class member directly to that class member. All parties
21 agree to work diligently and in good faith to assist the Settlement Administrator in
22 determining any amounts of outstanding PACE assessments that cannot be ascertained
23 using free public data and in effecting payment pursuant to the terms of the Settlement
24 Agreement.¹ The amount of any checks that are returned, not cashed, or rejected shall
25 be distributed on a pro rata basis to those class members whose claims satisfy both
26 Level Three and Level Four (*i.e.*, those class members who were over 65 and/or
27 received documents in their non-native language and also had a DTI of over 100%).

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¹ This might include, for example, providing updated or upcoming tax year information.

1 The remaining amount of any checks that are returned, not cashed, or rejected after
2 pro rata distribution to those class members whose claims satisfy both Level Three and
3 Level Four shall be escheated to the State.

4 8. In addition to any recovery that each named plaintiff may receive under the Settlement
5 Agreement, the Court, in recognition of their efforts on behalf of the Settlement Class
6 hereby approves the payment of an incentive award of \$12,500 to each named
7 Plaintiff. This incentive award does not need to be first used to satisfy any
8 outstanding PACE lien.

9 9. The Court approves the payment of attorney's fees and costs to Plaintiffs' counsel, as
10 shown in the cart below:

11

<u>Firm/Organization</u>	<u>Amount</u>	<u>Fees or Costs</u>
Public Counsel	\$750,000	Fees
Public Counsel	\$1,790.63	Costs
Bet Tzedek	\$750,000	Fees
Bet Tzedek	\$146.19	Costs
Hogan Lovells	\$84,963	Costs
Irell & Manella	\$68,722.01	Costs

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20 10. The Court orders and approves payments of up to \$344,000 to JND for performance
21 of its claims administration services. If the total cost of JND's services is less than
22 \$344,000, then any amounts less than \$344,000 shall be split evenly between Public
23 Counsel and Bet Tzedek.

24 11. The Parties are ordered to give notice to all class members in accordance with
25 California Rule of Court 3.771(b) by posting the Judgment on the Settlement website.

26 12. Upon the Effective Date of the Settlement, as defined therein, the Plaintiffs and all
27 members of the Settlement Class, except the excluded individuals referenced in
28 paragraph 6 of this Order, shall have, by operation of this Order and the accompanying

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Judgment, fully, finally, and forever released, relinquished, and discharged Defendants from all claims, as defined by the terms of the Settlement, whether or not a Settlement Class member executed and delivered a claim form. Upon the Effective Date, all Settlement Class members shall be and hereby are permanently barred and enjoined from the institution or prosecution of any and all of the claims released under the terms of the Settlement.


13. Upon completion of the administration of the Settlement, the parties shall file a declaration stating that all of the claims have been paid and that the terms of the settlement have been completed.

14. The accompanying Judgment is intended to be a final Judgment and is immediately appealable.

15. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the settlement, and any and all claims asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters relating to the Settlement and the determination of all matters and controversies related thereto.

IT IS SO ORDERED.

Dated: 01/10/2025



Honorable William Highberger
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Suite 1400, Los Angeles, California 90067.

On December 27, 2024, I served a true and correct copy of the document described as **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND AWARDED ATTORNEYS' FEES AND COSTS** on the interested parties in this action as follows:

SEE CASE ANYWHERE SERVICE LIST

BY ELECTRONIC SERVICE: Complying with Code of Civil Procedure section 1010.6, my electronic business address is tiffany.dejonge@hoganlovells.com, and I caused the above-referenced document to be electronically served through CASE ANYWHERE to the party(ies) indicated above.

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

Executed on December 27, 2024, at Lancaster, California.



Tiffany de Jonge