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SACRAMENTO COURTS  
DEPT. #53

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7 CALIFORNIA STATE AUTOMOBILE  
8 ASSOCIATION INTER-INSURANCE BUREAU

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SACRAMENTO

11 LORIE KUPPENBENDER, CAROL P.  
12 JOHNSON, ROBERT GARCIA on behalf  
13 of themselves and all those similarly  
14 situated,

13 Plaintiffs,

14 v.

15 CALIFORNIA STATE AUTOMOBILE  
16 ASSOCIATION INTER INSURANCE  
17 BUREAU, and DOES 1 through 100,  
18 inclusive,

18 Defendants.

CASE NO. 07AS03197

**[PROPOSED] ORDER REGARDING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, APPROVAL OF  
CLASS NOTICE, AND CONDITIONAL  
CERTIFICATION OF SETTLEMENT  
CLASS**

Date: December 3, 2009

Time: 2 PM

Judge: Hon. Loren E. McMaster

Trial Date: March 15, 2010

Initial Complaint Filed July 12, 2007

1 The parties, acting through their counsel, subject to Court approval following notice to the  
2 SETTLEMENT CLASS MEMBERS and a hearing, have agreed to settle this litigation, as set  
3 forth in the settlement agreement attached hereto as Exhibit 1 (the "AGREEMENT"). Defendant  
4 California State Automobile Association Inter Insurance Bureau and Plaintiffs Carol Johnson and  
5 Robert Garcia's Motion for Preliminary Approval of Class Action Settlement, Approval of Class  
6 Notice, and Conditional Certification of Settlement Class (hereinafter "Motion") was filed for  
7 consideration on November 30, 2009, before the Court.

8 NOW, THEREFORE, the Court, having considered the papers and the arguments of  
9 counsel, and it appearing to the Court that, following notice of the proposed settlement to the  
10 SETTLEMENT CLASS MEMBERS, a hearing should be held to determine finally if the  
11 settlement is fair, reasonable and adequate, the Court HEREBY ORDERS as follows:

12 1. All of the definitions contained in the AGREEMENT shall apply to this Order and  
13 are incorporated by reference as if fully set forth herein.

14 2. The Motion is GRANTED. The AGREEMENT is preliminarily approved by the  
15 Court as fair, adequate, reasonable, and in the best interests of the SETTLEMENT CLASS  
16 MEMBERS. The Court hereby conditionally certifies for settlement purposes and for no other  
17 purposes, as the SETTLEMENT CLASS, the following class:

18 All persons residing in the State of California who purchased  
19 automobile insurance policies from CSAA who made insurance  
20 claims under the COLLISION COVERAGE in their policies during  
21 the CLASS PERIOD arising from collisions with UNINSURED  
22 VEHICLES, and who were charged a deductible by CSAA under  
23 the COLLISION COVERAGE in their policies or were told not to  
pursue a claim because the cost of repair was less than the amount  
of the deductible applicable to their COLLISION COVERAGE.  
The Class does not include the Sacramento Superior Court  
presiding over the ACTION.

24 The Class also does not include persons who timely and effectively request exclusion.

25 3. The Court approves and appoints as Plaintiffs' CLASS COUNSEL the following:

26 Robert A. Buccola  
27 Dreyer Babich Buccola & Callahan  
28 20 Bicentennial Circle  
Sacramento, CA 95826

1 C. Brooks Cutter  
2 Kershaw Cutter & Ratinoff LLP  
3 401 Watt Avenue  
4 Sacramento, CA 95864

5 4. The Court approves and appoints Plaintiffs Carol Johnson and Robert Garcia as  
6 Class Representatives.

7 5. The Court hereby approves the form and content of the CLASS NOTICE attached  
8 to and described in the AGREEMENT. The Court finds that the best practicable notice is by:

- 9 (1) publication on two (2) separate days one week apart in 1/8 page format in the  
10 Metro or equivalent section of the *Sacramento Bee*, *San Jose Mercury News*, *Redding*  
11 *Record Searchlight*, *Stockton Record*, *Chico Enterprise Record*, *Fresno Bee*, *Santa Rosa*  
12 *Press Democrat*, *Santa Cruz Sentinel*, *Monterey County Herald*, *Eureka Times Standard*,  
13 *Bakersfield Californian*, *San Francisco Examiner*, and *Oakland Tribune*; and  
14 (2) by direct notice via U.S. mail to CLASS MEMBERS identifiable in records  
15 available to CSAA, and subject to the procedures for updating addresses and resending of  
16 returned notices as set forth in AGREEMENT.

17 6. Except as otherwise provided in the AGREEMENT, all costs in connection with  
18 providing notice to the SETTLEMENT CLASS MEMBERS shall be paid by CSAA.

19 7. SETTLEMENT CLASS MEMBERS shall serve any requests for exclusion from  
20 the SETTLEMENT CLASS in writing as instructed in the CLASS NOTICE on or before 75 days  
21 after the PRELIMINARY APPROVAL DATE.


22 8. SETTLEMENT CLASS MEMBERS shall file and serve any objections or  
23 opposition to the settlement in writing as provided in the CLASS NOTICE on or before 75 days  
24 after the PRELIMINARY APPROVAL DATE.

25 9. SETTLEMENT CLASS MEMBERS shall file any and all claims for benefits  
26 under the AGREEMENT on or before 140 days after the PRELIMINARY APPROVAL DATE or  
27 35 days after the FINAL APPROVAL DATE, whichever is later.  
28

1           10.    Pending final approval of the proposed settlement, no SETTLEMENT CLASS  
2 MEMBER, either individually, derivatively, in a representative capacity, or in any other capacity,  
3 shall commence any action, or proceed with any action currently pending, in any court or tribunal  
4 against any of the CSAA, asserting any of the claims waived or released under the terms of the  
5 AGREEMENT.

6           11.    The hearing on final approval of the AGREEMENT is hereby set for  
7 March 3, 2010. The hearing on Plaintiffs' motion for attorneys' fees and costs will also be  
8 heard that day. Papers relating to these motions shall be filed ten days prior to the hearing.

9  
10                           DEC - 3 2009  
11 Dated: \_\_\_\_\_

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
LOREN E. McMASTER