

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 9

**BC680214**

**MAUREEN HARROLD VS MUFJ UNION BANK NA**

April 26, 2023

10:00 AM

Judge: Honorable Yvette M. Palazuelos

CSR: None

Judicial Assistant: R. Arraiga

ERM: None

Courtroom Assistant: M. Tavakoli

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Andrea R. Gold, Jonathan M. Streisfeld via LA Court Connect (Video)

For Defendant(s): Nancy R. Thomas via LA Court Connect (Video)

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**NATURE OF PROCEEDINGS:** Hearing on Motion for Preliminary Approval of Settlement;

The matter is called for hearing.

The Court's tentative Rulings/Orders; Addendum (checklist) was issued and served on the parties via Case Anywhere on 04/19/2023.

The Court and counsel confer in reference to clarification for items listed in the tentative Rulings/Orders; Addendum (checklist).

The Court will modify its tentative Rulings/Orders; Addendum (checklist) to clarify the issues discussed.

The Court now adopts its modified tentative RULINGS/ORDERS RE: MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT; ADDENDUM (checklist) as the final order of the court. Said ruling is signed and filed this date and is incorporated into the case file.

The Court's ruling is as follows:

The above Hearing on Motion for Preliminary Approval of Settlement is continued to 09/07/2023 at 10:00 AM in Department 9 at Spring Street Courthouse.

All counsel are ordered to appear. Counsel may appear remotely via LA Court Connect.

The parties are ordered to address the items listed in the addendum (checklist) attached to the Final Rulings/Orders.

The Court provides further clarification:

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1. "GSA" was intended to mean Gross Settlement Amount, which in this case is synonymous with the Settlement Fund. While the Settlement Fund will be funded by Defendant within 10 days after Preliminary Approval is granted, the Court is concerned that the Settlement Administrator will be transferring funds back to Defendant to make credits to Current Accountholders within 60 days of the Effective Date. Counsel represents at ¶115 that "The Parties agree that it is in the best interests of the Settlement Class Members that the above releases will be effective before Settlement Class Member Payments are received because the releases are limited to the Released Claims and payments will be automatic and made within 60 days of the Effective Date." Though the releases are limited, it is not clear that payments will be automatic because ¶106a states, "If by the deadline for Defendant to apply credits of Settlement Class Member Payments to Accounts Defendant is unable to complete certain credits, or it is not feasible or reasonable to make the payment by a credit, Defendant shall deliver the total amount of such unsuccessful Settlement Class Member Payment credits to the Settlement Administrator to be paid by check[.]" Please clarify further why this is in class members' best interest, particularly Current Accountholders? Consider revising to make the release effective after Class Member Payments are fully disbursed. Since Defendant is to receive the funds from the administrator and then deposit the monies into Current Accountholder accounts, having releases only take place after such "funding" occurs safeguards class members' rights in case Defendant fails to pay.

2. Regarding the topic of Responses to the Notices, do Counsel anticipate any possible disputes submitted by Current or Past Accountholders regarding the number of APSNs that they are being credited or in the event of any complications? If so, when should class members submit such disputes by?

3. Regarding the cy pres, it is acceptable for counsel for the parties to submit declarations that includes the required information as to both the parties and their counsel.

The supplemental papers must be filed and served by 8/17/2023.

A Non-Appearance Case Review re: Filing and Serving of Supplemental Papers in Support of Preliminary Approval is scheduled for 08/24/2023 at 08:30 AM in Department 9 at Spring Street Courthouse.

If supplemental papers are NOT filed and served by said date an Order to Show Cause Re: Sanctions hearing will be set.

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The Judicial Assistant to give notice to Counsel for Plaintiff who is ordered to give further and formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		<small>Reserved for Clerk's File Stamp</small>
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles <b>04/26/2023</b> <small>David W. Slayton, Executive Officer / Clerk of Court</small> By: <u>R. Arraiga</u> Deputy
PLAINTIFF: Maureen Harrold		
DEFENDANT: MUFJ Union Bank, N.A.		
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>		CASE NUMBER: <b>BC680214</b>

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order and FINAL RULINGS/ORDERS RE: MOTION FOR PRELIMINARY APPROVAL OF CLASS entered herein, on 04/26/2023, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at www.caseanywhere.com on 04/26/2023 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012 in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 04/26/2023

By: R. Arraiga

Deputy Clerk