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 15 CERTIFIEDSAFETY, INC.

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 HAROLD JONES, et al.,  
 19 Plaintiffs,  
 20 vs.  
 21 CERTIFIEDSAFETY, INC.,  
 22 Defendant.

23 TIERRE CRUMMIE,  
 24 Plaintiff,  
 25 vs.  
 26 CERTIFIEDSAFETY, INC.,  
 27 Defendant.

**Lead Case No. 3:17-cv-02229-EMC**  
 Consolidated with 3:17-cv-03892-EMC  
 (*Crummie*)  
 Related to: 3:18-cv-04379-EMC (*Ross*)  
 3:19-cv-01338-EMC (*Jones II*)  
 3:19-cv-01380-EMC (*Jones III*)  
 3:19-cv-01381-EMC (*Jones IV*)  
 3:19-cv-01427-EMC (*East*)  
 3:19-cv-01428-EMC (*Jones V*)

**JOINT UPDATE IN PREPARATION  
 FOR FINAL APPROVAL HEARING**

*Jones* Complaint filed: April 21, 2017  
*Crummie* Complaint filed: April 24, 2017

Judge: Hon. Edward M. Chen  
 Date: May 28, 2020  
 Time: 1:30 p.m.  
 Courtroom: Via Zoom

28 **JOINT UPDATE**

1 **TO THE COURT:**

2 Plaintiffs Harold Jones, Tierre Crummie, Genea Knight, Sandra Turner, George  
3 Azevedo, Jr., Marcellous Ross, and Michael East and Defendant CertifiedSafety, Inc.  
4 (together, the “Parties”) together submit this Joint Update in Preparation for the Final  
5 Approval Hearing.

6 On May 22, 2020, CertifiedSafety notified Plaintiffs that its financial position  
7 had significantly deteriorated due to adverse market and business conditions related to  
8 the COVID-19 national emergency, and that it would be unable to deposit the full  
9 Gross Settlement Amount of \$6,000,000.00 by the deadline required by the  
10 Stipulation of Class, Collective, and Representative Action Settlement (“Settlement  
11 Agreement” [Dkt. No. 206-2]). The current deadline is fourteen (14) calendar days of  
12 the Effective Date; and assuming there are no appeals of the Court’s judgment  
13 granting Final Approval, the Effective Date will be 30 days from the entry of  
14 judgment. (Settlement Agreement §§ 2.19, 4.2.)

15 CertifiedSafety has engaged in an exhaustive effort to secure sufficient  
16 financing to deposit the full Gross Settlement Amount in accordance with the  
17 Settlement Agreement. However, due to the COVID-19 pandemic’s effect on oil and  
18 financial markets, it has been unable to secure funding at this time. CertifiedSafety is  
19 committed to the Settlement and to paying the Gross Settlement Amount in full;  
20 however, the present market realities make complete payment impossible in the short  
21 term.

22 To maintain the Settlement, the Parties have agreed to the following amended  
23 payment schedule for funding the Gross Settlement Amount:

- 24
- 25 • By July 13, 2020, CertifiedSafety shall deposit \$2,000,000.00 into the  
26 Qualified Settlement Account established by Heffler Claims Group  
27 (“Heffler”). From these funds, Heffler will make payments of one-third of  
28 the total amount due under the Settlement Agreement to Participating  
Individuals, the LWDA, Class Representatives, Class Counsel, and itself.

- By April 27, 2021, CertifiedSafety shall deposit the remaining \$4,000,000.00 (plus interest accrued at the rate set forth in California Code of Civil Procedure section 685.010(a)) into the Qualified Settlement Account established by Heffler Claims Group. From these funds, Heffler will make payments of the remaining two-thirds of the total amount due under the Settlement Agreement to Participating Individuals, the LWDA, Class Representatives, Class Counsel, and itself, plus the pro rata share of accrued interest for each recipient.

Accordingly, the Parties request that: (1) the Court permit the Parties to incorporate the proposed amended funding schedule set forth above—as well as any other necessary terms based on this change—into the Settlement Agreement; and (2) the Court take into account the amended funding schedule and any other necessary changes to the Settlement in its anticipated Order granting final approval.

Dated: May 27, 2020

WINSTON & STRAWN LLP

By: /s/ Laura R. Petroff  
 Laura S. Petroff  
 Emilie C. Woodhead  
 Jason S. Campbell  
 Tristan R. Kirk  
 Attorneys for Defendant  
 CERTIFIEDSAFETY, INC.

Dated: May 27, 2020

SCHNEIDER WALLACE COTTRELL  
 KONECKY LLP

By: /s/ Carolyn H. Cottrell  
 Carolyn H. Cottrell  
 David C. Leimbach  
 Michelle S. Lim  
 Scott L. Gordon  
 Attorneys for Plaintiffs and the Settlement  
 Classes and Collective

**ECF ATTESTATION**

I, Laura R. Petroff, am the ECF User whose ID and password are being used to file this Joint Update in Preparation for the Final Approval Hearing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Carolyn H. Cottrell, Class Counsel, has concurred in this filing.

Dated: May 27, 2020

/s/ Laura R. Petroff  
Laura R. Petroff

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