

CONFORM

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CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 25 2021

Sherri R. Garter, Executive Officer/Clerk of Court
By: Dejane Wortham, Deputy
Dejane Wortham

5 **WHITFIELD BRYSON LLP**
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RECEIVED
LOS ANGELES SUPERIOR COURT

APR 07 2021

S. DREW

10 Attorneys for Plaintiffs and the Proposed Class

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

13 CHRISTOPHER SANTIAGO, JULIA
14 SANTIAGO, and TIM TAGLE, individually,
on behalf of themselves and all others
similarly situated,

Case No. BC644600
[Related to Case No. BC685349]

15 Plaintiffs,

**STIPULATION AND ~~PROPOSED~~
ORDER FOR PAYMENT OF
SETTLEMENT FUNDS BY ETERNITY
FLOORS**

16 vs.

Assigned for all purpose to:
Honorable Ann I. Jones, Department "11"

17 ETERNITY FLOORS d/b/a L.A.
18 HARDWOOD FLOORING, INC., a
California Corporation; and DOES 1 through
19 50, inclusive,

Action filed: December 21, 2016

20 Defendants.

21 AND RELATED ACTION.
22

23 This Stipulation is entered into by and between Plaintiffs, CHRISTOPHER SANTIAGO,
24 JULIA SANTIAGO and TIM TAGLE, in the case entitled *Christopher Santiago, et al. v. Eternity*
25 *Floors d/b/a L.A. Hardwood Flooring, Inc.* (Los Angeles Superior Court Case No. BC644600);
26 Plaintiff, YVETTE THOR, in the case entitled *Yvette Thor v. Eternity Floors d/b/a L.A.*
27 *Hardwood Flooring, Inc.* (Los Angeles Superior Court Case No. BC685349) (hereinafter
28

1 collectively "Plaintiffs"); and Defendant, L.A. HARDWOOD FLOORING, INC. DBA
2 ETERNITY FLOORS (hereinafter "Eternity Floors");

3 **WHEREAS**, Plaintiffs, CHRISTOPHER SANTIAGO, JULIA SANTIAGO and TIM
4 TAGLE, filed their Complaint in the case entitled *Christopher Santiago, et al. v. Eternity Floors*
5 *d/b/a L.A. Hardwood Flooring, Inc.* (Los Angeles Superior Court Case No. BC644600) on
6 December 21, 2016;

7 **WHEREAS**, Plaintiff, YVETTE THOR, filed her Complaint in the case entitled *Yvette*
8 *Thor v. Eternity Floors d/b/a L.A. Hardwood Flooring, Inc.* (Los Angeles Superior Court Case
9 No. BC685349) on December 1, 2017;

10 **WHEREAS**, on January 19, 2018, the Honorable Ann I. Jones ordered that the case
11 entitled *Yvette Thor v. Eternity Floors d/b/a L.A. Hardwood Flooring, Inc.* (Los Angeles Superior
12 Court Case No. BC685349) be deemed related to the case entitled *Christopher Santiago, et al. v.*
13 *Eternity Floors d/b/a L.A. Hardwood Flooring, Inc.* (Los Angeles Superior Court Case No.
14 BC644600);

15 **WHEREAS**, on November 8, 2019, the parties executed a final written settlement
16 agreement, which included the basic structure outlined by Judge Lichtman;

17 **WHEREAS**, on October 19, 2020, the Honorable Ann I. Jones granted final approval of
18 the class action settlement and entered Judgment in this case;

19 **WHEREAS**, on November 5, 2020, Plaintiffs filed and served Notice of Entry of
20 Judgment;

21 **WHEREAS**, the parties have met and conferred and have agreed on a payment plan for
22 the payment of the judgment in this case; and

23 **WHEREAS**, Plaintiffs have agreed to postpone the judgment debtor exam of Doron Gal
24 as long as Eternity Floors satisfies all of its payment obligations in this Stipulation and [Proposed]
25 Order.

26 **IT IS HEREBY STIPULATED AS FOLLOWS:**

27 This Stipulation and [Proposed] Order does not supersede or in any way vacate the
28 Judgment in this case.

1 Eternity Floors shall deposit the amount of \$500,000 into the client trust account of its
2 counsel, Palumbo Lawyers, LLP on or before March 26, 2021.

3 Eternity Floors shall deposit an additional \$100,000 into the client trust account of
4 Palumbo Lawyers, LLP on or before March 31, 2021.

5 Palumbo Lawyers, LLP shall forward the total sum of \$600,000 from its trust account to
6 Robertson & Associates, LLP, no later than 48 hours following the Court's signing the attached
7 Order.

8 The balance of the \$300,000 in settlement proceeds shall be paid to Robertson &
9 Associates, LLP in three equal (3) monthly installments by Eternity Floors d/b/a L.A. Hardwood
10 Flooring, Inc. directly. The first payment of \$100,000 shall be paid on April 30, 2021, the second
11 payment of \$100,000 shall be paid on May 31, 2021, and the third payment of \$100,000 shall be
12 paid on June 30, 2021. All three (3) checks shall be made payable to "Robertson & Associates,
13 LLP – Client Trust Account" and sent via overnight mail to Alexander Robertson, IV, Robertson
14 & Associates, LLP, 32121 Lindero Canyon Road, Suite 200, Westlake Village, California 91361.

15 Upon receipt of the final settlement check, class counsel will forward a check to the Claims
16 Administrator in the amount of \$312,684 for the cash settlement payments to class members and
17 direct the Claims Administrator to commence disbursement of cash settlement payments.

18 Store credit vouchers shall be issued and forwarded to the Claims Administrator by
19 Eternity Floors no later than ten (10) days following the last payment.

20 If Eternity Floors fails to make any of the payments as agreed to in this Stipulation, the
21 parties agree that Plaintiffs may proceed to enforce the Judgment against Eternity Floors including
22 proceeding with the judgment debtor exam of Doron Gal of Eternity Floors within two weeks of
23 the failed payment and the production of previously subpoenaed information within one week of
24 the failed payment, and be entitled to obtain post-judgment interest against Eternity Floors from
25 the original date payment ordered by the Court.

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The Court shall retain jurisdiction of this case to resolve any issues with respect to the funding of the settlement, payment to class members and class counsel's attorneys' fees and costs.

IT IS SO STIPULATED.

DATED: March 24, 2021

ROBERTSON & ASSOCIATES, LLP

By: Mark J. Uyeno
Alexander Robertson, IV
Mark J. Uyeno

WHITFIELD BRYSON LLP
Daniel K. Bryson
Patrick M. Wallace

Attorneys for Plaintiffs and the Proposed Class

DATED: March 24, 2021

PALUMBO LAWYERS

By: [Signature]
Diane O. Palumbo, Esq.

NETZAH & SHEMTOV, INC.
Raviv Netzah, Esq.

*Attorneys for Defendant, L.A. Hardwood
Flooring, Inc. dba Eternity Floors*

ORDER

This Order does not supersede or in any way vacate the Judgment in this case.

Eternity Floors shall deposit the amount of \$500,000 into the client trust account of Palumbo Lawyers, LLP on or before March 26, 2021.

Eternity Floors shall deposit an additional amount of \$100,000 into the client trust account of Palumbo Lawyers, LLP on or before March 31, 2021.

Palumbo Lawyers, LLP shall forward the total sum of \$600,000 from its trust account to Robertson & Associates, LLP, no later than 48 hours following the Court's signing of the attached Order.

The balance of the \$300,000 in settlement proceeds shall be paid to Robertson & Associates, LLP in three equal (3) monthly installments by Eternity Floors d/b/a L.A. Hardwood Flooring, Inc. directly. The first payment of \$100,000 shall be paid on April 30, 2021, the second payment of \$100,000 shall be paid on May 31, 2021, and the third payment of \$100,000 shall be paid on June 30, 2021. All three (3) checks shall be made payable to "Robertson & Associates, LLP – Client Trust Account" and sent via overnight mail to Alexander Robertson, IV, Robertson & Associates, LLP, 32121 Lindero Canyon Road, Suite 200, Westlake Village, California 91361.

Upon receipt of the final settlement check, class counsel shall forward a check to the Claims Administrator in the amount of \$312,684 for cash settlement payments to class members and direct the Claims Administrator to commence disbursement of cash settlement payments.

Store credit vouchers shall be issued and forwarded to the Claims Administrator by Eternity Floors no later than ten (10) days following the last payment.

If Eternity Floors fails to make any of these payments, Plaintiffs may proceed in enforcing the judgment against Eternity Floors including proceeding with the judgment debtor exam of Doron Gal of Eternity Floors and seek post-judgment interest against Eternity Floors from the original date payment was due under the terms of the settlement agreement.

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1 The Court shall retain jurisdiction of this case to resolve any issues with respect to the
2 funding of the settlement, payment to class members and class counsel's attorneys' fees and costs.

3 **IT IS SO ORDERED.**

4 DATED: 3-25-21, 2021

ANN I. JONES

THE HONORABLE ANN I. JONES
Judge of the Superior Court of the State of
California

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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 32121 Lindero Canyon Road, Suite 200, Westlake Village, CA 91361.

Today, I served true copies of the following document(s) described as **STIPULATION AND [PROPOSED] ORDER FOR PAYMENT OF SETTLEMENT FUNDS BY ETERNITY FLOORS** on the interested parties in this action as follows:

SERVICE LIST

Diane O. Palumbo, Esq.
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RPacheco@palumbolawyers.com

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NETZAH & SHEM-TOV
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Email: rnetzah@netzahlaw.com


**Attorneys for ETERNITY FLOORS d/b/a
L.A. HARDWOOD FLOORING, INC., a
California Corporation**

**Attorneys for LA HARDWOOD
FLOORING, INC. doing business as
ETERNITY FLOORS (erroneously named
as ETERNITY FLOORS d/b/a L.A.
HARDWOOD FLOORING, INC.)**

BY CASE ANYWHERE NOTICE OF ELECTRONIC FILING: Based on a Court Order, I caused such document to be transmitted this date via internet/electronic mail to Case Anywhere for service on all parties in this case via their e-mail addresses, pursuant to Court order.

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

Executed on March 24, 2021, at Westlake Village, California.



Ann Russo