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18 *Attorneys for Plaintiffs, Settlement Class*
19 *Representatives, and Settlement Class Members*

20 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

21 **COUNTY OF SAN BERNARDINO**

22 CHRISTOPHER O'BRIEN and TIFFANY
23 KIPKASHA, individually and on behalf of
24 all others similarly situated,

25 Plaintiffs,

26 v.

27 SUNSHINE MAKERS, INC., a California
28 corporation,

Defendant.

Case No. CIV-SB-2027994
Case Filed: December 18, 2020

Assigned for all purposes to Hon. David Cohn

**ADMINISTRATOR'S REPORT
REGARDING OPT-OUTS OF CLASS
ACTION SETTLEMENT IN SUPPORT
OF PLAINTIFFS' MOTIONS FOR
FINAL APPROVAL, ATTORNEYS
FEES AND COSTS, AND SERVICE
AWARDS**

Hearing Information

Date: September 21, 2021
Time: 10:00 am
Dept.: S-26

1 Plaintiffs and Settlement Class Representatives Christopher O'Brien, Tiffany Kipikasha,
2 and Michelle Moran (“**Plaintiffs**” and/or “**Settlement Class Representatives**”) hereby submit
3 the Settlement Administrator Digital Settlement Group, LLC’s (“**DSG’s**”) list of persons who
4 have timely submitted a request for exclusion from the settlement, pursuant to the Order of this
5 Court preliminarily approving the class action settlement in this matter on May 17, 2021 (the
6 “**Order**”), and in support of Plaintiffs’ motion for final approval of class action settlement, motion
7 for an award of attorneys’ fees and costs, and motion for a service award to Plaintiffs (“**Plaintiffs’**
8 **Motions**”), attached hereto.

9 As set forth in the attached list, DSG only received one (1) request to opt-out from George
10 Diamond, St. Johns, Florida, that was postmarked on or before the deadline set forth in the Order
11 (August 16, 2021).¹ However, the opt-out request was deemed invalid because it failed to provide
12 a date of purchase or any purchase related information whatsoever necessary for DSG to verify
13 the individual was a Settlement Class Member. Notwithstanding the foregoing, Plaintiffs have no
14 objection to excluding this individual from the Settlement Class. Plaintiffs will provide this Court
15 with further identifying information, including address, telephone number, and a copy of the
16 request for exclusion, under seal to protect Mr. Diamond’s personal identifying information, upon
17 request. Setting aside Mr. Diamond, Plaintiffs and DSG are unaware of any Settlement Class
18 Members who have timely submitted requests to exclude themselves from the Settlement Class.
19 Similarly, Plaintiffs and DSG are unaware of any Settlement Class Members who have timely
20 objected to this class action settlement. Accordingly, Plaintiffs respectfully request this Court
21 grant Plaintiffs’ Motions.

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26 ¹ The deadline to opt-out is calculated as follows. On June 16, 2021, twenty (20) calendar days
27 after the Court issued the Order on May 17, 2021, the notice of the class action settlement
28 commenced. Sixty (60) days thereafter, on Sunday, August 15, 2021, the deadline to opt-out (by
postmark) expired, however, to provide additional time and pursuant to the Settlement
Agreement, this deadline rolled to the following business day, Monday August 16, 2021.

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Dated: September 10, 2021

Respectfully submitted,

CLARKSON LAW FIRM

By:



RYAN J. CLARKSON
SHIREEN M. CLARKSON
KATHERINE A. BRUCE
LAUREN E. ANDERSON

MOON LAW APC

By:



CHRISTOPHER D. MOON
KEVIN O. MOON

*Attorneys for Plaintiffs, Settlement Class
Representatives, and Settlement Class Members*

Date Received	Mailed, Entered	First	Last	Phone	Street	City	State	Zip	Date of Purchase	Signature (Y/N)	Status
8/11/2021	Mailed	George	Diamond	***	***	***	***	***		Y	Incomplete

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PROOF OF SERVICE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

I am employed in the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action. My business address is 22525 Pacific Coast Highway Malibu, CA 90265.

On **September 10, 2021** (date of service), I served a copy of the following document(s) on the interested party(ies) and/or person(s) identified on the Service List in the manner set forth below.

Documents Served

ADMINISTRATOR’S REPORT REGARDING OPT-OUTS OF CLASS ACTION SETTLEMENT IN SUPPORT OF PLAINTIFFS’ MOTIONS FOR FINAL APPROVAL, ATTORNEYS FEES AND COSTS, AND SERVICE AWARDS

Method of Service

[X] BY EMAIL: I caused to be transmitted a true and correct copy of the foregoing document(s) via e-mail addressed to the interested party(ies)/person(s) as set forth on the attached Service List pursuant to law, local rules, court order, and/or agreement amongst said party(ies)/person(s) to accept service thereby in lieu and to the same effect of personal service.

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

Executed on **September 10, 2021**

/s/Josselyn Alvarez
Josselyn Alvarez

SERVICE LIST

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