

UCS 0167

FILED

JUN 12 2009

DAVID H. YAMASAKI
Clerk/Executive Officer/Clerk
Superior Court of Santa Clara
BY *[Signature]* DEPUTY
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8 *Attorney for Plaintiffs*

9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SANTA CLARA**

11
12 **MARY THOMPSON, individually and**
13 **on behalf of all others similarly situated,**
14 *Plaintiffs,*

15 v.

16 **SANTA CLARA COUNTY OPEN**
17 **SPACE AUTHORITY, DOES 1-50**
18 **INCLUSIVE,**
19 *Defendants.*

CASE NO. 1-02-CV804474
(Consolidated with 1-07-CV-094261 & 1-
03-CV000705)

[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND DIRECTING
NOTICE TO CLASS MEMBERS

20 **SILICON VALLEY TAXPAYERS**
21 **ASSN., INC., HOWARD JARVIS**
22 **TAXPAYERS ASSN., ERIC and**
23 **VIVIAN BRACHER, THEODORE**
24 **FELTON, MARY THOMPSON, B.F.**
25 **HENSCHKE, RICHARD ORLANDO,**
26 **individuals,**

27 *Plaintiffs,*

28 vs.

SANTA CLARA COUNTY OPEN
SPACE AUTHORITY, DOES 1-50
INCLUSIVE,
Defendants.

1 This matter came before the court on the parties' joint motion for preliminary
2 approval of a class action settlement. Good cause appearing, it is hereby ordered as
3 follows:

4 1. *Provisional Class Certification.* The court certifies a provisional settlement
5 class consisting of "Any person who paid the District Two Assessment between tax years
6 2002-03 to 2007-08, who does not exclude himself or herself from the class."

7 2. *Proposed Settlement.* The proposed settlement described in the Settlement
8 Agreement appears to be within the range of reasonableness and accordingly shall be
9 submitted to class members for their consideration and for a fairness hearing.

10 3. The Garden City Group is appointed Class Claims Administrator and
11 Catherine Yanni, Esq. as special master with powers and duties set forth in paragraph 5.1
12 of the Settlement Agreement or as further ordered by the court.

13 4. *Fairness Hearing.* A fairness hearing shall be held in Department 17C of
14 this court at 191 North First Street, San Jose, California 95113, at 9:00 a.m. on July 31,
15 2009, to consider whether the settlement is fair, reasonable, and adequate and should
16 receive the court's final approval, including whether class counsel should be awarded
17 attorney's fees and expenses as provided in the settlement.

18 (a) All papers supporting plaintiffs' motions to finally approve the class action
19 settlement and for attorney fees and expenses shall be served and filed by
20 July 8, 2009. Responsive papers shall be served and filed by July 20, 2009.
21 Reply papers, including any party's responses to class members' objections,
22 shall be served and filed by July 27, 2009,

23 (b) Objections by class members to the proposed settlement and fee-and-
24 expense request will be considered if filed in writing with the clerk on or
25 before July 20, 2009.


26 (c) At the hearing, class members may, in the court's discretion, be heard orally
27 in support of or in opposition to the settlement and the fee-and-expense request, provided
28 such persons file with the clerk by July 20, 2009, a written notification of their desire to

1 appear personally, stating briefly, if in opposition to the settlement, the nature of any
2 objection.

3 (d) Counsel for the class and for the defendants should be prepared at the
4 hearing to respond to objections filed by class members and to provide other information
5 pertaining to whether the settlement should be approved.

6 5. *Notice to Class Members.* The Garden City Group shall mail to all Class
7 Members, whose addresses are available following the updating process provided in
8 paragraph 6.1 of the Settlement Agreement, the Settlement Hearing Notice and Refund
9 Claim in the form attached to the Settlement Agreement as Exhibit C. The Administrator
10 and the parties shall as soon as practicable cause published, posted, and website notice to
11 be given as provided in paragraph 6 of the Settlement Agreement and shall otherwise
12 comply with the provisions of that paragraph until further order of the court. Any
13 reasonable and necessary changes or adjustments to the notice procedures may be
14 approved upon further stipulation and order.

15
16 DATED: June 12, 2009

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19 _____
Honorable Jack Komar
Judge of the Superior Court