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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN MATEO

17 EDUARDO DE LA TORRE, on behalf of all
18 others similarly situated and the general
19 public,

20 Plaintiff,

21 v.

22 CASHCALL, INC., a California corporation;
23 and DOES 1 through 25, inclusive,

24 Defendants.

FILED
SAN MATEO COUNTY

JUL 02 2020

Clerk of the Superior Court

By *M. S. Weiner*
DEPUTY CLERK

CASE NO.: 19-CIV-01235

STIPULATION AND PROPOSED ORDER
AMENDING ORDER GRANTING
STIPULATION ON CLASS NOTICE
PLAN, AND AMENDING CLASS
DEFINITION

Judge: Hon. Marie S. Weiner
Dept: 2

Complaint Filed: March 7, 2019

Trial Date: None

COMPLEX CASE—CLASS ACTION

25 CASE NO.: 19-CIV-01235-- STIPULATION AND PROPOSED ORDER AMENDING ORDER GRANTING
26 STIPULATION ON CLASS NOTICE PLAN, AND AMENDING CLASS DEFINITION 1
27

ORIGINAL

FAXED

RECEIVED
JUN 30 2020
CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

1 Plaintiff Eduardo de la Torre and Defendant CashCall, Inc. (collectively, "Parties"), by
2 and through their respective attorneys of record, hereby stipulate and agree as follows:

3 WHEREAS, on January 16, 2020 the Court entered its Order Granting Plaintiff's Motion
4 for Class Certification;

5 WHEREAS, on May 4, 2020 the Court entered its Order Granting Stipulation Regarding
6 Notice Plan (the "Order"). The Parties did not become aware of that Order until discovering it
7 online on June 15, 2020;

8 WHEREAS, since learning of the Order, the parties and the Class Notice Administrator
9 have been proceeding diligently to send Notice to the Class in compliance with the Order.
10 However, sending the Notice by the date specified by the Order, June 18, 2020, has proven
11 infeasible because the Order was not discovered until June 15;

12 WHEREAS, CashCall has provided the Class Notice Administrator with a list of
13 borrowers whose loans meet the Class definition and whose loans had interest rates of 90% or
14 more. The Class Notice Administrator is prepared to send notice to those Class members by July
15 3, 2020;

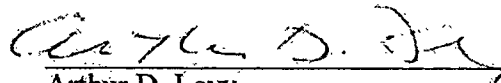
16 WHEREAS, the Court's Order Granting Plaintiff's Motion for Class Certification
17 approved the following Class definition: "All individuals who, while residing in California,
18 borrowed from \$2,500 to \$2,600 from CashCall for personal, family or household use any time
19 from August 1, 2005, to July 10, 2011";

20 WHEREAS, on June 23, 2020, CashCall's Counsel advised Plaintiff's Counsel and the
21 Class Notice Administrator that the current Class definition would include loans (approximately
22 8,500) at 87% interest;

1 WHEREAS, Plaintiffs' intention was that the Class be defined so that it was limited to
2 loans of 90% or more, as reflected in Plaintiff's Class Certification Motion (p. 3)¹ and in this
3 Court's Order granting that Motion (pp. 14-16). Sending notice to those borrowers with loans at
4 87% interest would further delay the issuance of Notice to the Class and would be inconsistent
5 with the mutual understandings of the Parties regarding the Class definition;

6 NOW, THEREFORE, the Parties hereby stipulate and agree, and respectfully request,
7 that the Court enter the attached Proposed Order (1) extending the date for sending Notice to the
8 Class from June 18, 2020 to July 15, 2020; and (2) approving an amendment to the Class
9 definition limiting the Class definition to loans of 90% interest or more, in order to exclude the
10 loans of 87% inadvertently included within the Class definition.

11
12 DATED: June 24, 2020


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25 ¹ "The Class commencement date (August 1, 2005) reflects the date CashCall first began
26 lending at over 90% on its \$2,600 loan product in California. All loans covered by the Class
27 definition are at either a 96% or 135% annual interest rate." Plaintiff's Memorandum of Points
and Authorities in Support of Motion for Class Certification, filed August 19, 2019, at 3:16-19
(record citation omitted); *see also* pp. 2:7-12; 4:5-14; 9:6-15.

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1 **[PROPOSED] ORDER**

2 The Parties' Stipulation having been considered and GOOD CAUSE APPEARING, the
3 Court hereby orders as follows:

4 1. The Order Granting Stipulation Regarding Notice Plan, entered, May 4, 2020, is
5 amended as follows:

6

7 July 15, 2020 (extended from June 18, 8 2020)	Notice Administrator will activate website.
9 July 15, 2020 (extended from June 18, 10 2020)	Notice Administrator will send the Long-Form 11 Class Notice by email to class members.

12

13 2. The Class definition is hereby amended as follows to exclude the inadvertently
14 included 87% loans from the Class: "All individuals who, while residing in California, borrowed
15 from \$2,500 to \$2,600 from CashCall for personal, family or household use any time from
16 August 1, 2005, to July 10, 2011, whose loans had an interest rate of 90% or more."

17
18 3. Except as so modified, the Order Granting Stipulation Regarding Notice Plan and
19 Order Granting Class certification remain in full force and effect.

20 Dated: June 30, 2020

21 
22 HONORABLE MARIE WEINER
23 SUPERIOR COURT JUDGE
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