

1 Guy B. Wallace (SBN 176151)  
gwallace@schneiderwallace.com  
2 Mark T. Johnson (SBN 76904)  
mjohnson@schneiderwallace.com  
3 SCHNEIDER WALLACE  
COTTRELL KONECKY LLP  
4 2000 Powell Street, Suite 1400  
Emeryville, CA 94608  
5 (415) 421-7100; (415) 421-7105 (Fax)

6 Linda M. Dardarian (SBN 131001)  
ldardarian@gbdhlegal.com  
7 Andrew P. Lee (SBN 245903)  
alee@gbdhlegal.com  
8 Katharine L. Fisher (SBN 305413)  
kfisher@gbdhlegal.com  
9 GOLDSTEIN, BORGEN, DARDARIAN & HO  
155 Grand Avenue, Suite 900  
10 Oakland, CA 94612  
(510) 763-9800; (510) 835-1417 (Fax)

11 Adam B. Wolf (SBN 215914)  
awolf@peifferwolf.com  
12 Catherine Cabalo (SBN 248198)  
ccabalo@peifferwolf.com  
13 PEIFFER WOLF CARR KANE & CONWAY  
14 4 Embarcadero Center, 14th Floor  
San Francisco, CA 94111  
15 (415) 766-3592; (415) 402-0058 (Fax)

16 *Attorneys for Plaintiffs and the Certified Classes*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN JOSE DIVISION**

20 ABDUL NEVAREZ and PRISCILLA NEVAREZ,  
21 on behalf of themselves and all others similarly  
situated, and SEBASTIAN DEFRANCESCO,

22 Plaintiffs,

23 vs.

24 FORTY NINERS FOOTBALL COMPANY, LLC,  
25 a Delaware limited liability company, et al.,

26 Defendants.

Case No.: 5:16-cv-07013-LHK (SVK)

**SECOND STIPULATION AND**  
**~~PROPOSED~~ ORDER REGARDING**  
**UPDATED CLAIMS REVIEW AND**  
**DISTRIBUTION DEADLINES**

Dept: Courtroom 8  
Before: Hon. Lucy H. Koh

1           **THIS STIPULATION** is hereby entered into by and between Plaintiffs Abdul Nevarez,  
2 Priscilla Nevarez, and Plaintiff Sebastian DeFrancesco on behalf of themselves and all others similarly  
3 situated, and Defendants Forty Niners Football Company LLC, Forty Niners SC Stadium Company  
4 LLC, Forty Niners Stadium Management Company LLC, the City of Santa Clara and the Santa Clara  
5 Stadium Authority (collectively referred to as the “Parties”), by and through their respective counsel of  
6 record, as follows:

7           **WHEREAS**, in order to effectuate the relief provided by the Settlement Agreement, the  
8 Parties agreed (ECF No. 423) and the Court ordered (ECF No. 424) that the Settlement Administrator  
9 carefully review for validity the claims for monetary damages that individuals submitted by the June  
10 28, 2020 deadline, and that such review include a request for additional documentation, and an  
11 evaluation thereof, for any claims that were incomplete, unclear, suspicious, or otherwise lacked  
12 sufficient information regarding events attended or barriers experienced;

13           **WHEREAS**, the Forty Niners Defendants timely paid an amount equal to the Damages Fund  
14 into an escrow bank account that the Settlement Administrator created and administrated pursuant to  
15 the terms of the Settlement Agreement;

16           **WHEREAS**, the Settlement Administrator completed the agreed-upon initial review and, by  
17 September 4, 2020, sent a letter to claimants whose claims had been flagged as suspicious, vague, or  
18 otherwise incomplete to request information necessary to determine the validity of the claims,  
19 notifying claimants that responses had to be postmarked or submitted electronically by October 5,  
20 2020;

21           **WHEREAS**, due to the scope and complexity of the claim validity review as well as  
22 unforeseen circumstances arising from the ongoing Covid-19 pandemic, including increased workloads  
23 coupled with decreased staff availability, the Settlement Administrator’s final claim validity review  
24 was delayed, and the Settlement Administrator was not able to meet the anticipated December 18,  
25 2020 award distribution date;

26           **WHEREAS**, pursuant to the Parties’ Stipulation, on December 31, 2020, the Court extended  
27 the deadline for the Settlement Administrator’s completion of review of claims for validity to January  
28

1 15, 2021, the deadline for Damages Award Distribution to February 15, 2021, and the deadline for the  
2 Settlement Administrator to file its Post-Distribution Accounting with the Court to March 5, 2021  
3 (Order, ECF No. 432);

4 **WHEREAS**, as explained in the Declaration of Alex Thomas filed herewith, since the time of  
5 the Court’s December 31, 2020 Order extending the Claims distribution deadline, the claims  
6 administration process incurred additional delays when Project Manager Edward Dattilo left his  
7 employment with the Settlement Administrator in January 2021. Also since then, under the  
8 supervision of a new Project Manager and the Quality Assurance and Audit team, the Settlement  
9 Administrator has continued to review and validate claims filed by eligible claimants, but has also  
10 recognized the need for a more thorough internal audit of the claims to ensure that suspicious claims  
11 are more fully vetted, that invalid claims are screened out, and that valid claims are appropriately  
12 calculated.

13 **WHEREAS**, given the high value of the claims, the Settlement Administrator believes it would  
14 be prudent to send confirmation notices to each claimant to notify them of the Settlement  
15 Administrator’s determination of their claim’s validity and the dates and events that qualify for awards,  
16 and provide Claimants with the opportunity to respond thereto. This will provide another layer of  
17 confirmation that awards are accurate before the funds are distributed to Damages Class Members.

18 **WHEREAS**, the Parties continue to agree that it is in the Damages Class Members’ best  
19 interest to ensure the Settlement Administrator’s review for validity is careful, defined, and thorough in  
20 order to avoid dilution of the awards owed to Damages Class Members and to ensure that valid claims  
21 are approved, such that an additional extension to the distribution schedule to accommodate the  
22 Settlement Administrator’s audit and sending of confirmation notices, in the face of additional  
23 unforeseen delays and indications of potentially suspicious claim filing, is appropriate.

24 **NOW, THEREFORE, IT IS HEREBY STIPULATED** as follows:

25 Subject to the Court’s approval, the Parties agree that the claim-validity review and award-  
26 distribution deadlines shall be modified as outlined below:  
27  
28

	<b>Prior Deadline</b>	<b>Modified Deadline</b>
Settlement Administrator’s completion of review of claims for validity	January 15, 2021	March 31, 2021
Damage Award distribution	February 15, 2021	July 15, 2021
Post-Distribution Accounting to be filed with Court	March 5, 2021	August 1, 2021

Dated: March 4, 2021

Respectfully submitted,

GOLDSTEIN, BORGEN, DARDARIAN & HO

/s/ Linda M. Dardarian

Attorneys for Plaintiffs and the Certified Classes

Dated: March 4, 2021

RANKIN, SHUEY, RANUCCI, MINTZ, LAMPASONA & REYNOLDS

/s/ Maria Lampasona

Maria Lampasona

Attorneys for Defendants

FORTY NINERS FOOTBALL COMPANY LLC, FORTY NINERS SC STADIUM COMPANY LLC, FORTY NINERS STADIUM MANAGEMENT COMPANY LLC CITY OF SANTA CLARA, SANTA CLARA STADIUM AUTHORITY

**SIGNATURE ATTESTATION**

The e-filing attorney hereby attests that concurrence in the content of the document and authorization to file the document has been obtained from each of the other signatories indicated by a conformed signature (/s/) within this e-file document.

Dated: March 4, 2021

/s/ Linda M. Dardarian

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 5, 2021

Lucy H. Koh

Hon. Lucy H. Koh  
United States District Judge