

## **NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION**

TO: ALL PERSONS WHO, BETWEEN JANUARY 8, 1998, AND JUNE 30, 2000, PAID A \$75 FEE TO THE CLERK OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE FOR THE FILING OF A FIRST AMENDED COMPLAINT PRIOR TO THE FILING OF A DEFENDANT'S ANSWER OR DEMURRER, OR PRIOR TO THE HEARING ON A DEFENDANT'S DEMURRER.

### **IF YOU ARE A MEMBER OF THIS CLASS OF PERSONS, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR RIGHTS**

There is now pending in the San Diego County Superior Court an action entitled Nada S. Zahr et al. v. County of Orange et al., Civil Action No. GIN005021. On August 17, 2000, the Superior Court of the County of San Diego certified the action as a Class Action.

### **WHAT THIS ACTION IS ABOUT**

Nada S. Zahr ("Plaintiff") filed a class action lawsuit individually and on behalf of the class described above against The County of Orange; the Superior Court of California, County of Orange; and Alan Slater, Executive Officer/Clerk of the Court ("Defendants") in the Superior Court for the State of California, County of Orange. The Complaint alleges that from January 8, 1998, to June 30, 2000, Defendants collected a \$75.00 filing fee from Plaintiff, and all others similarly situated, for the filing of a first amended complaint prior to the filing of a defendant's answer or demurrer or before the hearing on a defendant's demurrer. Plaintiff alleges *California Code of Civil Procedure* section 472 prohibited the collection of the \$75.00 filing fee. Defendants deny any wrongdoing and any liability whatsoever. The County of Orange has been dismissed from this lawsuit.

The parties have negotiated a proposed settlement. Judge Michael M. Anello of the San Diego Superior Court has granted preliminary approval of the settlement, subject to a final settlement hearing discussed below.

### **THE PROPOSED SETTLEMENT**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE and ALAN SLATER, Executive Officer/Clerk of the Court, have agreed to establish a \$50,000.00 claim fund and issue a \$75.00 refund (or pro rata share of the claim fund) to any Class Member who makes a valid Refund Claim on a Refund Claim Form. Refund Claim Forms will be available from all unlimited civil filing clerks and at [www.occourts.org](http://www.occourts.org) if final approval of the settlement is granted. Completed Refund Claim Forms must be presented at or mailed to the following address: Superior Court of California, County of Orange, Executive Offices, Central Justice Center, Second Floor, 700 Civic Center Drive West, Santa Ana, CA 92702-1994, Attention: G. Spickard. If the Court grants final approval of the settlement at the fairness hearing discussed below, Claims must be made within 60 days following the approval of the settlement.

### **ATTORNEYS' FEES AND COSTS**

As part of the settlement, Defendants have agreed to pay Plaintiff's attorney's fees and court costs in an amount to be agreed upon between the parties or to be determined by the Court upon motion to be filed by Plaintiff's counsel. Payment of attorney's fees and court costs *will not* affect the benefits provided to the Class.

### **NOTICE OF FAIRNESS HEARING AND RIGHT TO OBJECT**

On May 31, 2002, at 2:30 p.m., a fairness hearing will take place before Judge Michael M. Anello in Department 26 of the San Diego Superior Court, North County Division, located at 325 South Melrose Drive, Vista, California. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement. If you object to the settlement, you may appear at the hearing to show cause why the settlement should not be approved by the Court, provided that you have filed with the Court a written notice of your intention to appear, all supporting papers, and a statement under penalty of perjury that you are in fact a Class Member, by May 16, 2002, and have served such notice and papers upon Class counsel and Defendants' counsel at the following addresses:

Neil B. Fineman, Esq.  
FINEMAN & ASSOCIATES  
501 Civic Center Drive West  
Santa Ana, CA 92701-4001  
[Class Counsel]

Benjamin P. de Mayo, Esq.  
County Counsel  
PO Box 1379  
Santa Ana, CA 92702-1379  
[Defendants' Counsel]

**CLASS MEMBERS WHO DO NOT TIMELY MAKE THEIR OBJECTIONS IN THIS MANNER WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND SHALL NOT BE ENTITLED TO BE HEARD AT THE FINAL SETTLEMENT APPROVAL HEARING.** You may, but need not, enter an appearance through counsel of your choice. If you do, you will be responsible for your personal attorney's fees and costs. If your objection is rejected you will be bound by the final judgments just as if you had not objected.

This description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, you should visit the office of the Clerk of the Court in Department 26 of the San Diego County Superior Court, North County Division, located at 325 S. Melrose, Vista, California. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense. **DO NOT ADDRESS ANY QUESTIONS ABOUT THE LITIGATION TO THE CLERK OF THE COURT OR TO THE JUDGE.** They are not permitted to answer your questions.

Dated: March 25, 2002

By: Order of the San Diego Superior Court  
HONORABLE MICHAEL M. ANELLO  
JUDGE OF THE SUPERIOR COURT