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Class Counsel

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 17 2025

Jessica Garcez
JESSICA GARCEZ, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ANNE MOULTON, individually and on
behalf of all other persons similarly situated,

Plaintiff,

v.

UNITED DOMINION REALTY, L.P., UDR,
INC.; and DOES 1-100, inclusive.

Defendants.

Case No. CIV SB2123480

CASE DEEMED COMPLEX

ASSIGNED FOR ALL PURPOSES TO
JUDGE JOSEPH T. ORTIZ

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND FINAL
JUDGMENT**

Date: May 28, 2025

Time: 1:30 p.m.

Dept.: S17

1 WHEREAS, on October 24, 2024, this Court entered an Order Granting Preliminary
2 Approval of Settlement (the “Preliminary Approval Order”), preliminarily approving the
3 proposed settlement of the Action pursuant to the terms of the Stipulation of Settlement and
4 directing that notice be given to the members of the Settlement Class;

5 WHEREAS, the capitalized terms herein shall have the same meaning as in the
6 Stipulation of Settlement;

7 WHEREAS, pursuant to the Parties’ plan for providing notice to the settlement class (the
8 “Notice Plan”), the Settlement Class was notified by email, mail and web posting of the terms
9 of the proposed Settlement and of the Final Approval Hearing to determine, *inter alia*, whether
10 the terms and conditions of the Stipulation of Settlement are fair, reasonable, and adequate for
11 the release and dismissal of the Released Class Claims against the Released Parties; and

12 WHEREAS, a Final Approval Hearing was held on May 28, 2025. Prior to the Final
13 Approval Hearing, proof of completion of the Notice Plan was filed with the Court. Settlement
14 Class Members were therefore notified of their right to appear at the hearing in support of, or in
15 opposition to, the proposed settlement;

16 NOW, THEREFORE, the Court, having heard the oral presentations made at the Final
17 Approval Hearing, and having reviewed all of the submissions presented with respect to the
18 proposed Settlement, and having determined that the Settlement is fair, adequate, and
19 reasonable, and having reviewed the materials in connection therewith, it is hereby ORDERED,
20 ADJUDGED, AND DECREED THAT:

21 1. The capitalized terms used in this Final Approval Order and Judgment shall
22 have the same meaning as defined in the Stipulation of Settlement except as may otherwise be
23 ordered.

24 2. The Court has jurisdiction over the subject matter of this Action and over all
25 claims raised therein and all Parties thereto, including the Settlement Class.

26 3. The Court finds, solely for the purpose of this Settlement, that the requirements
27 of Cal. Code Civ. Proc. § 382 are satisfied, including requirements for the existence of an
28 ascertainable class, a community of interest, and manageability of a settlement class, that

1 common issues of law and fact predominate, and that a settlement class is superior to
2 alternative means of resolving the claims and disputes at issue in this Action.

3 4. For purposes of this Settlement and this Final Approval Order and Judgment, the
4 Settlement Class shall consist of all California residential Tenants who, from August 12, 2017
5 through October 24, 2024, were charged or paid one or more Late Fees imposed by Defendants.

6 5. The Settlement Class Members bound by this Final Approval Order and
7 Judgment shall include all tenants falling within the definition of the Settlement Class who did
8 not submit a timely and valid Request for Exclusion. The person who has requested exclusion
9 is identified in Exhibit 1 attached hereto.

10 6. The Court finds that the Notice Plan set forth in Article IV of the Stipulation of
11 Settlement, effectuated pursuant to the Preliminary Approval Order, constitutes the best notice
12 practicable under the circumstances and shall constitute due and sufficient notice to the
13 Settlement Class of the pendency of this Action, certification of the Settlement Class for
14 settlement purposes only, the terms of the Stipulation of Settlement, and the Final Approval
15 Hearing, and satisfies the requirements of California law and federal due process of law.

16 7. The Settlement, as set forth in the Stipulation of Settlement, is approved. The
17 Parties shall effectuate the Stipulation of Settlement according to its terms. The Stipulation of
18 Settlement and every term and provision thereof shall be deemed incorporated herein as if
19 explicitly set forth and shall have the full force of an Order of this Court. The settlement
20 administrator shall post a copy of this order on the settlement website for a period of not fewer
21 than 180 days.

22 8. Upon the Effective Date, the Releasing Class Parties shall have, by operation of
23 this Final Approval Order and Judgment, fully, finally, and forever released, relinquished, and
24 discharged the Released Defendant Parties from all Released Class Claims pursuant to the
25 Stipulation of Settlement.

26 9. As of the Effective Date, Settlement Class Members are hereby permanently
27 barred and enjoined from instituting, commencing or prosecuting, either directly or in any other
28 capacity, any Released Class Claims against any of the Released Parties.

1 10. This Final Approval Order and Judgment, the Stipulation of Settlement, the
2 Settlement which it reflects, and any and all acts, statements, documents or proceedings relating
3 to the Settlement are not, and shall not be construed as, or used as an admission by or against
4 the Released Parties.

5 11. The Court has also considered the Motion for an Award of Attorneys' Fees,
6 Costs and Expenses, and Incentive Award to the Class Representative. The Motion for an
7 Award of Attorneys' Fees, Costs and Expenses, and Incentive Award to the Class
8 Representative is GRANTED. Class Counsel is hereby awarded \$834,240.00 in attorneys' fees
9 and \$27,804.47 in costs and expenses. In addition, the Class Representative is awarded an
10 incentive award in the amount of \$5,000. These awards shall be paid in accordance with the
11 terms of the Stipulation of Settlement.

12 12. The Court also approves administrative expenses to be paid to RG/2 Claims
13 Administration LLC in the amount of \$67,561.

14 13. The Court approves Tenants Together as the proposed *cy pres* recipient for any
15 residuals amounts remaining after the distribution of the Settlement Fund. The Court will hold
16 a hearing on January 26, 2026 at 8:30 a.m. in Department S-17 to review the distribution of the
17 settlement proceeds and to consider the *cy pres* distribution of the settlement residue. Plaintiff
18 shall submit a report regarding the distribution to the Court on or before January 12, 2026.

19 14. Without affecting the finality of the Judgment hereby entered, the Court reserves
20 jurisdiction over the implementation of the Settlement, including enforcement and
21 administration of the Stipulation of Settlement, including any releases in connection therewith,
22 the enforcement of an injunction entered simultaneously herewith, and any other matters
23 related or ancillary to the foregoing. Pursuant to Rule of Court 3.767, judgment is hereby
24 entered in accordance with the terms of the Stipulation of Settlement.

25 IT IS SO ORDERED.

26
27 Dated: June 17, 2025


JOSEPH T. ORTIZ

Judge of the Superior Court

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Bursor & Fisher, P.A., 1990 North California Blvd, 9th Floor, Walnut Creek, California 94596. On June 3, 2025, I served the within document(s):

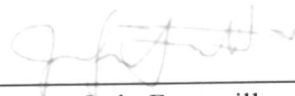
[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FINAL JUDGMENT

☒ by e-mail transmission on that date. These documents were transmitted via e-mail to the following e-mail addresses as set forth below.

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Attorneys for United Dominion Realty, L.P.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed on June 3, 2025, at Walnut Creek, California.



Judy Fontanilla