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21 and the putative class of all other similarly situated.

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **FOR THE COUNTY OF ORANGE**

24 JAMES FOTI, an individual; MARC LEBLANC,
25 an individual; PATRICIA LISCO, an individual;
26 JEFF SWOBODA, an individual; LUCIANA
27 SWOBODA, an individual, on behalf of themselves
28 and all others similarly situated,

Plaintiffs,

v.

JOHN LAING HOMES (CALIFORNIA), INC., a
Corporation; WL HOMES, LLC dba JOHN LAING
HOMES, a Limited Liability Company;
PLUMBING CONCEPTS, INC., a Corporation;
MUELLER INDUSTRIES, INC., a Corporation;
and DOES 1-100,

Defendants.

Case No. 30-2013-00649415-CU-CD-CXC

**STIPULATION AND ORDER ADVANCING
HEARING ON MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT**

Judge: Hon. Peter Wilson
Dept: CX-101
Hearing: February 16, 2023
Time: 2:00 p.m.

Complaint Filed: May 9, 2013

1 Plaintiffs and Class Representatives James Foti, Jeff Swoboda and Luciana Swoboda (“Plaintiffs”) and Defendants John Laing Homes (California), Inc. and WL Homes dba John Laing Homes LLC (“Defendants”), by and through their respective undersigned counsel of record herein, hereby jointly stipulate, agree and request as follows:

5 WHEREAS, on August 31, 2021, the Hon. Glenda Sanders granted Plaintiffs’ Motion for Preliminary Approval of Class Settlement and set a hearing date for the hearing on the Motion for Final Approval of Class Settlement, attorneys’ fees & costs, and incentive awards (“Motion for Final Approval”) for December 16, 2022 at 1:30 p.m. in Dept CX-101 of the Orange County Superior Court [ROA 399].

10 WHEREAS, pursuant to the Court’s Order granting preliminary approval of class settlement, the duly appointed Class Administrator mailed Class Notice (in the form approved by the Court) upon all owners in the chain of title for 138 homes covered by the proposed class settlement, stating that Motion for Final Approval was scheduled for December 16, 2022 at 1:30 p.m. (with the express proviso that the date could be unilaterally changed by the Court).

15 WHEREAS, the Hon. Glenda Sanders announced her retirement from the bench (effective in January 2023); but on or about November 2, 2022 this action was transferred to the Hon. Peter Wilson – who now presides over Dept. CX-101.

18 WHEREAS, the Hon. Peter Wilson vacated the December 16, 2022 hearing date on the Motion for Final Approval (and the parties are advised that Judge Wilson will be on vacation through December 16, 2022); and the hearing on the Motion for Final Approval has been continued to February 16, 2023 at 2:00 p.m. in Dept. CX-101.

22 WHEREAS, the Hon. Glenda Sanders has indicated that even though she would no longer be assigned to preside over the Orange County Pipe class action cases effective November 1, 2022, it was possible that Judge Sanders could still consider motions in these cases while she remained on the bench through the end of December 2022.

26 WHEREAS, if the rescheduled hearing date of February 16, 2022 on Plaintiffs’ Motion for Final Approval is not advanced, it could cause a great deal of confusion, potential distress and uncertainty for the putative class members because they had previously been advised in writing (pursuant to the Class

1 Notice approved by the Court) that the hearing on the Motion for Final Approval would take place on a
2 date two months earlier than the presently scheduled hearing date.

3 WHEREAS, to date, there have been no objections and two opt-outs received by the Class
4 Administrator - with a deadline of November 29, 2022 to provide such objections.

5 NOW, THEREFORE, the Parties hereby stipulate and request:

6 1. That the hearing date on the Motion for Final Approval be advanced to December 19,
7 2022, or such later date shortly thereafter that is convenient for the Court to hear the motion for final
8 approval; and

9 2. That, if necessary, the parties stipulate and agree to have Judge Glenda Sanders hear,
10 consider and rule upon the Motion for Final Approval.

11 3. Plaintiffs' counsel shall direct the Class Administrator to provide notice of the new date
12 for the hearing of the Motion for Final Approval on the website established for the administration of this
13 proposed class settlement.

14 Dated: November 10, 2022

KABATECK LLP
BRIDGFORD GLEASON & ARTINIAN

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17 By: /s/Richard L. Kellner

Richard L. Kellner, Esq.

Counsel for Plaintiffs

18
19 Dated: November 10, 2022

LORBER, GREENFIELD & POLITO

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22 By: /s/Robert B. Titus

Robert B. Titus, Esq.

Counsel for Defendants and Steadfast Insurance Co.

ORDER

Having reviewed the Stipulation of the Parties, and finding Good Cause thereof, it is hereby ordered that:

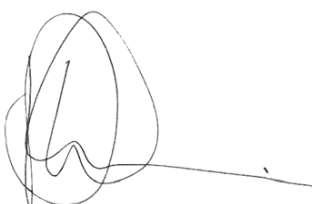
1. The hearing on Plaintiffs’ Motion for Final Approval is advanced to December 22, 2022 at 2 p.m. in Dept. CX-101.

2. All briefing for the Motion shall be based on a December 16, 2022 hearing date.

3. Plaintiffs’ counsel shall direct Class Administrator to provide notice of the new date for the hearing of the Motion for Final Approval, and of the operative date for the filing of all papers pertinent to the Motion, on the website established for the administration of this proposed class settlement.

IT IS SO ORDERED.

DATED: November 14, 2022

By: 

JUDGE PETER J. WILSON
JUDGE OF THE SUPERIOR COURT