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13 *Attorneys for Plaintiff*

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 PHILLIP RACIES, On Behalf of  
17 Himself and All Others Similarly  
Situated,

18  
19 Plaintiff,

20 vs.

21 QUINCY BIOSCIENCE, LLC, a  
Wisconsin limited liability company,

22 Defendant.  
23

) Case No. 4:15-cv-00292-HSG

) **STIPULATION IN SUPPORT OF  
JOINT ADMINISTRATIVE  
MOTION SEEKING APPROVAL  
OF AGREED UPON FORMS FOR  
CLASS NOTICE AND PLAN FOR  
DISTRIBUTION**

) Judge: Hon. Haywood S. Gilliam, Jr.

) Complaint Filed: January 21, 2015  
Trial Date: None set

1 WHEREAS, on December 15, 2017, the Court certified both a California UCL  
2 and CLRA class in this lawsuit. *See* Class Certification Order (D.E. #148).

3 WHEREAS, following the Court’s Order, the Parties acknowledged that absent  
4 Class members needed to be notified of the pendency of this class action. However,  
5 the notice process was postponed pending the Court’s recent ruling on Plaintiff’s  
6 motion requesting a bench trial so as to inform absent Class members whether the case  
7 would be tried to the Court or a jury.

8 WHEREAS, following the Court’s January 30, 2019 Order denying Plaintiff’s  
9 Motion for Bench Trial (D.E. #173), Counsel for both parties and the Classes have  
10 reviewed forms of Notice to be published and made available to Class Members to  
11 inform them of the pendency of this class action. The agreed-upon forms of Notice  
12 included in Exhibit B to the Declaration of Jennifer M. Keough Regarding Proposed  
13 Notice Program (“Keough Decl.”).

14 WHEREAS, Plaintiff and Class Counsel have retained a third-party claims  
15 administrator, JND Class Action Administration (“JND”), to develop a Notice Plan  
16 which has been represented by JND to be reasonably calculated to apprise the Class  
17 of the pendency of this class action. The details of the Notice Distribution Plan are  
18 contained in the Keough Declaration at ¶¶ 12-23. Because Plaintiff has alleged a claim  
19 under California’s Consumer Legal Remedies Act, JND avers that the proposed Notice  
20 Distribution Plan complies with the requirements of California Government Code  
21 § 6064. *See* Keough Decl. at ¶ 18.

22 WHEREAS, according to JND, the proposed Notice Distribution Plan is  
23 anticipated to reach approximately 80% of the potential California Class members.  
24 *See* Keough Decl. at ¶ 24.

25 WHEREAS, the Parties believe the proposed forms of Notice and the proposed  
26 Notice Distribution Plan satisfy Rule 23 and all other due process requirements, and  
27 JND so avers. *See* Keough Decl. at ¶¶ 24-26.

1 WHEREAS, the Parties are seeking approval of the proposed forms of Notice  
2 and the proposed Notice Distribution Plan at this time to enable the Plaintiff and Class  
3 Counsel to move forward with the notice process as efficiently and expeditiously as  
4 possible.

5 NOW, THEREFORE, the Parties, by and through their respective attorneys,  
6 hereby agree and STIPULATE, that subject to the Court's approval and input from  
7 Defendant, Plaintiff, Class Counsel, and JND will work to promptly implement the  
8 proposed Notice Distribution Plan and forms of Notice.

9 **IT IS SO STIPULATED**

10 Dated: March 28, 2019

Respectfully Submitted,

11  
12 BONNETT, FAIRBOURN, FRIEDMAN &  
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**SIGNATURE CERTIFICATION**

Pursuant to Rule 5-1(i)(3) of the United States District Court for the Northern District of California Local Rules, I hereby certify that the content of this document is acceptable to Matthew R. Orr, counsel for Defendant, and that I have obtained his authorization to affix his electronic signature to this document.

Dated: March 28, 2019

BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, P.C.

By: /s/ Patricia N. Syverson

Patricia N. Syverson  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic mail notice list.

I certify under penalty of perjury under the laws of the States of America that the foregoing is true and correct. Executed on March 28, 2019.

*/s/ Patricia N. Syverson*  
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