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**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

JAN 19 2021

Sherri R. Carter, Executive Officer/Clerk of Court

6 Attorneys for Plaintiff ADRIANA HERNANDEZ,
7 Individually, and on behalf of all others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

11 ADRIANA HERNANDEZ, individually, and
12 on behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15
16 2523 E. ANAHEIM, INC. dba XS
AFTERHOURS GENTLEMENS CLUB, a
17 California corporation; and DOES 1 through
18 100, inclusive,

19 Defendants.

Lead Case No. 19STCV16831
(Related to Case No. 19STCV15211)

*Assigned for All Purposes to the Hon. Ann I.
Jones in Department 11*

CLASS ACTION

**DECLARATION OF JOHN M.
KENNEDY IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Non-Appearance Case Review:

Date: January 29, 2021
Time: 8:30 a.m.
Location: Dept. 11

Motion for Preliminary Approval:

Date: February 24, 2021
Time: 11:00 a.m.
Location: Dept. 11 via LACC

Action Filed: May 15, 2019

1 **TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that pursuant to the Court’s Tentative Ruling filed, which
3 was and E-Served on January 15, 2021, class counsel files this Supplemental Declaration
4 addressing the issues requested in the Tentative Ruling:

5 **DECLARATION OF JOHN M. KENNEDY**

6 I, John M. Kennedy, declare:

7 1. I am over the age of eighteen (18) and have personal knowledge of the facts set
8 forth in this Declaration. If called as a witness, I could and would testify competently to such
9 facts under oath.

10 2. I am an attorney at law admitted to practice in all courts in the State of California.
11 I am a partner at Fortis LLP, attorneys of record for Plaintiff Adriana Hernandez, individually,
12 and on behalf of all others similarly situated (“Plaintiff”). Except where stated upon information
13 and belief, I have personal knowledge of the facts stated herein and, if called upon as a witness, I
14 could and would competently testify thereto under oath. This Supplemental Declaration is
15 submitted in support of the Motion for Preliminary Approval of Class Action Settlement filed by
16 Plaintiff.

17
18 **Issue 1: Provide declarations disclosing the interest or involvement by any counsel**
19 **or party in the governance or work of the *cy pres* recipient (or lack thereof).**

20 3. The *Cy Pres* recipient is the League of Women Voters (“LWV”) (Settlement
21 Agreement ¶49(c)). To my knowledge, no counsel nor parties have any involvement in the
22 governance or work for the LWV. I am familiar with this organization and have been for many
23 years but only as a result of their work and involvement in advocating for voters rights.
24 However, neither I nor anyone in my family has personal involvement or interest in this
25 organization. We have not monetarily contributed to this organization and have not volunteered
26 time for this organization.

1 **Issue 2: Address how notice of final judgment will be given to the class;**

2 4. While the payment and Notice to the class is indicative of final judgment, after
3 reviewing the court's January 15, 2021 Tentative Ruling and meeting and conferring with our
4 clients, the claims administrator and counsel for the putative class, we have agreed that Notice of
5 the Final Judgment shall be posted immediately upon entry on the claims administrators website
6 under the provisions of Cal. Rules of Court, rule 3.771(b) and shall remain posted through the
7 Effective Date which will be the 61st day after service of the Notice of Entry of Final Order and
8 Judgment pursuant to Stipulation and Settlement Agreement ¶55 which already provides that
9 various class documents shall be posted and maintained on the claims administrators website
10 through the Effective Date.

11
12 I declare under penalty of perjury and the laws of the State of California, United States of
13 America that the foregoing is true and correct.

14 Executed on this 18th day of January 2021, at Costa Mesa, California.

15
16 
17 John M. Kennedy

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and
3 not a party to the within action. My business address is 650 Town Center Drive, Suite 1530, Costa
4 Mesa, California 92626. On January 19, 2021, I served the within document(s) described as:

5 **DECLARATION OF JOHN M. KENNEDY IN SUPPORT OF MOTION FOR
6 PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

7 on the interested parties in this action as stated below:

8 *Attorneys for Defendant 2523 E. Anaheim,
9 Inc. dba XS Afterhours Gentlemens Club:*

10 Steven J. Shapero
11 Martin M. Shapero
12 SHAPERO & SHAPERO
13 5950 Canoga Ave., Suite 404
14 Woodland Hills, CA 91367
15 Tel: (818) 710-1200
16 Fax: (818) 710-1447
17 *sshapero@shaperoandshapero.com*
18 *mshapero@shaperoandshapero.com*

19 BY ELECTRONIC TRANSMISSION VIA CASE ANYWHERE: I caused said
20 document(s) to be sent to the parties listed on the Electronic Service List maintained by
21 Case Anywhere in the manner set forth in the Court’s Order Authorizing Electronic Service
22 dated December 18, 2020.

23 BY MAIL: By placing a true copy of the foregoing document(s) in a sealed envelope
24 addressed as set forth above. I am readily familiar with this firm's practice for collection
25 and processing of correspondence for mailing. Under that practice it would be deposited
26 with the U.S. Postal Service on that same day with postage thereon fully prepaid in the
27 ordinary course of business. I am aware that on motion of the party served, service is
28 presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing contained in affidavit.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on January 19, 2021, at Costa Mesa, California.

Lisa Dancel
(Type or print name)

/s/ Lisa Dancel
(Signature)