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Attorneys for Plaintiffs

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17
18 DR. DAVID S. MURANSKY, et al.

19 *Plaintiff,*
20 v.

21 THE CHEESECAKE FACTORY, INC.,
22 d/b/a THE CHEESECAKE FACTORY, a
23 Delaware corporation,

24 *Defendant.*
25
26
27
28

Case No. 19STCV43875

CLASS ACTION

**SECOND STIPULATION AND
PROPOSED ORDER TO THE
ADDENDUM TO THE OCTOBER 26,
2020 ORDER CERTIFYING
SETTLEMENT CLASS, GRANTING
PRELIMINARY APPROVAL OF
SETTLEMENT, AND DIRECTING
NOTICE TO THE CLASS**

HON. DAVID S. CUNNINGHAM

1 Plaintiff, Dr. David Muransky (“Plaintiff”), individually and on behalf of the class, and
2 Defendant Cheesecake Factory Inc., and third party defendant GK Software USA Inc.,
3 (“Defendants” and collectively with Plaintiff the “Parties”), through their respective Counsel of
4 record, hereby stipulate to extend the time to complete class notice and accordingly request the
5 Court to amend the order granting preliminary approval of class settlement (the “Preliminary
6 Approval Order”), substantially in the form of the Proposed Order attached hereto.
7

8 WHEREAS, the process for notice approved by the Court here provides for Class Counsel
9 to subpoena the banks that issued the credit/debit cards used by the Settlement Class Members
10 (since Class Counsel only had their credit/debit card numbers), to obtain the Settlement Class
11 Members’ name and contact information. (Order at p. 10 (“Plaintiffs’ counsel will subpoena ...
12 the dozens of banks that issued the Settlement Class Members’ credit and debit cards to identify
13 who the Settlement Class Members are and obtain their contact information.”)). This will allow
14 the Settlement Class Members to receive direct notice of the Settlement.
15

16 WHEREAS, Plaintiff filed on October 5, 2021 an unopposed motion to allow the banks to
17 provide the class member name and contact information, which has been produced in numerous
18 other FACTA settlements. That motion remains pending.
19

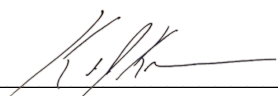


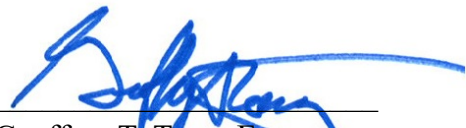
20 WHEREAS, due to the banks’ delay in responding to the subpoenas, the class administrator
21 will not be able to send notice to the class on October 22, 2022 as previously ordered.
22

23 WHEREAS, the notice administrator requires additional time to prepare and mail the notice
24 to the class.

25 For these reasons the Parties stipulate to extend the Preliminary Approval Order deadlines
26 as follows:
27

1 2	January 26, 2022	Deadline for notice of the Settlement to be sent to the Settlement Class Members
3	January 28, 2022	Plaintiffs to file attorney fee petition
4	March 31, 2022	Deadline for Settlement Class Members to request exclusion or file objections (Opt-Out and Objection Deadline)
5 6	March 31, 2022	Deadline for Settlement Class Members to submit a Settlement Claim Form or Publication Notice Claim Form (Claim Deadline)
7 8 9 10	April 20, 2022	Deadline for Parties to file the following: (1) List of persons who made timely and proper Requests for Exclusion (under seal); (2) Proof of Class Notice; and (3) Motion and memorandum in support of final approval, including responses to any objections.
11 12	May 6, 2022 at <u>10:00</u> a.m.	Final Approval Hearing

13
14 IT IS HERBY STIPULATED AND AGREED.

15 16 17 18 19 20 21	 Keith J. Keogh, Esq. (<i>pro hac vice</i>) 55 W. Monroe Street, Ste. 3390 Chicago, IL 60603 Telephone: (312) 726-1092 Facsimile: (312) 726-1093 Keith@KeoghLaw.com <i>One of Plaintiffs' Attorneys</i>	 Abbas Kazerounian, Esq. (249203) Matthew M. Loker, Esq. (279939) KAZEROUNI LAW GROUP, APC 245 Fischer Avenue, Unit D1 Costa Mesa, CA 92626 Telephone: (800) 400-6808 Facsimile: (800) 520-5523 One of Plaintiff's Attorneys
22 23 24 25 26 27 28	 Rick L. Shackelford, Esq. GREENBERG TRAUIG, LLP 1840 Century Park East, Suite 1900 Los Angeles, California 90067-2121 shackelfordr@gtlaw.com Counsel for Cheesecake	 Geoffrey T. Tong, Esq. GARCIA HERNANDEZ SAWHNEY, LLP 330 N. Brand Blvd Suite 680 Glendale, California 91203 Telephone: 213-347-0210 gtong@ghslaw.com Counsel for GK Software

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23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
24 **COUNTY OF LOS ANGELES**

25 DR. DAVID S. MURANSKY, ADRIANA
26 TIBBETTS, DARRYL TIBBETTS, and
27 KRISTY ZHANG, *individually and on behalf*
28 *of a class of other similarly situated*
individuals,

Plaintiffs,

v.

THE CHEESECAKE FACTORY, INC., and
THE CHEESECAKE FACTORY

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Case No. 19 STCV 43875

[PROPOSED] ORDER ON STIPULATION
TO EXTEND DATES

HON. DAVID S. CUNNINGHAM

1 RESTAURANTS, INC. d/b/a THE
2 CHEESECAKE FACTORY,
3 Defendants.

4 This case coming to be heard on the Stipulation to extend the dates in the preliminary
5 approval order, IT IS HEREBY ORDERED the Preliminary Approval Order deadlines are
6 extended as follows:
7

8 January 26, 2022	Deadline for notice of the Settlement to be sent to the Settlement Class Members
9 January 28, 2022	Plaintiffs to file attorney fee petition
10 March 31, 2022	Deadline for Settlement Class Members to request exclusion or file objections (Opt-Out and Objection Deadline)
11 March 31, 2022	Deadline for Settlement Class Members to submit a Settlement Claim Form or Publication Notice Claim Form (Claim Deadline)
12 April 20, 2022	Deadline for Parties to file the following: (4) List of persons who made timely and proper Requests for Exclusion (under seal); (5) Proof of Class Notice; and (6) Motion and memorandum in support of final approval, including responses to any objections.
13 May 6, 2022 at <u>10:00</u> a.m.	Final Approval Hearing

14 SO ORDERED,

15 _____
16 HON. DAVID S. CUNNINGHAM

17 Dated: _____

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17 **COUNTY OF LOS ANGELES**

18 DR. DAVID S. MURANSKY, ADRIANA
19 TIBBETTS, DARRYL TIBBETTS, and
KRISTY ZHANG, *individually and on*
20 *behalf of a class of other similarly situated*
individuals,

21 Plaintiffs,

22 v.

23 THE CHEESECAKE FACTORY, INC., and
24 THE CHEESECAKE FACTORY
RESTAURANTS, INC. d/b/a THE
25 CHEESECAKE FACTORY,

26 Defendants.

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Case No. 19STCV43875

PROOF OF SERVICE

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to the
3 within action. My business address is Kazerouni Law Group, APC, 245 Fischer Ave., Unit D1,
4 Costa Mesa, CA 92626. On January 4, 2022, I served the within document(s):

- 5 • **SECOND STIPULATION AND PROPOSED ORDER TO THE ADDENDUM TO**
6 **THE OCTOBER 26, 2020 ORDER CERTIFYING SETTLEMENT CLASS,**
7 **GRANTING PRELIMINARY APPROVAL OF SETTLEMENT, AND**
8 **DIRECTING NOTICE TO THE CLASS**

- 9 CASEANYWHERE - by transmitting electronically via CaseAnywhere the
10 document(s) listed as counsel of record for Defendant on this date before 11:59 p.m.
11 pursuant to an agreement of the parties and/or Court order.

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22 gtong@ghslaw.com

23 I am readily familiar with the firm's practice of collection and processing correspondence
24 for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same
25 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
26 motion of the party served, service is presumed invalid if postal cancellation date or postage meter
27 date is more than one day after date of deposit for mailing in affidavit.

28 I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on January 4, 2022, at Costa Mesa, California.

29 

30 PAMELA E. PRESCOTT