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11 Attorneys for Plaintiffs MICHAEL ALLAGAS,
12 ARTHUR RAY, BRETT MORHMAN, and the
SETTLEMENT CLASS

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
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18 MICHAEL ALLAGAS, ARTHUR
19 RAY and BRETT MOHRMAN, on
behalf of themselves and all others
20 similarly situated,

21 Plaintiffs,

22 vs.

23 BP SOLAR INTERNATIONAL, INC.,
HOME DEPOT U.S.A., INC. and
24 DOES 1 -10, inclusive,

25 Defendants.
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Case No. 3:14-cv-00560-SI

**NOTICE OF JOINT STIPULATION
AND JOINT STIPULATION FOR
FINAL APPROVAL OF
ADDENDUM TO CLASS
SETTLEMENT AGREEMENT**

Judge: Hon. Susan Illston
Crtrm: 1
Date: June 19, 2020
Time: 10:00 a.m.

Action Filed: January 9, 2014

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on Friday, June 19, 2020 at 10:00 a.m., or as soon thereafter as this matter may be heard, in the courtroom of the Honorable Susan Illston, Courtroom 1, 17th Floor, Phillip Burton Federal Building and United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102. Class Plaintiffs and Defendants BP Solar International, Inc. and Home Depot U.S.A., Inc. will and hereby do file a joint stipulation agreeing to modify the Settlement Agreement and moving the Court for an order finally approving the Addendum to Settlement Agreement.

STATEMENT OF ISSUES TO BE DECIDED

By this joint stipulation, the parties move the Court for an Order:

1. Finally approving the Addendum to Settlement Agreement in this action pursuant to Federal Rule of Civil Procedure 23(e).
2. Finally certifying a Settlement Class pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3).
3. Appointing Class Counsel.
4. Appointing Settlement Class Representatives.
5. Entering final judgment and dismissing this action.

Dated: March 4, 2020

ARNOLD & PORTER
KAYE SCHOLER LLP

By: /s/ E. Alex Beroukhim
E. Alex Beroukhim

Attorneys for BP Solar
International, Inc. and Home Depot
U.S.A., Inc.

1 Dated: March 4, 2020.

BIRKA-WHITE LAW OFFICES

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3 By: /s/ David Birka-White
David Birka-White

4 Attorneys for Plaintiffs Michael
5 Allagas, Arthur Ray, Brett Mohrman,
6 and the Settlement Class
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1 Plaintiffs Michael Allagas, Arthur Ray, Brett Mohrman (“Plaintiffs”) and
2 Defendants BP Solar International, Inc. (“BP”) and Home Depot U.S.A., Inc. (“HD”)
3 respectfully submit this joint stipulation.

4 1. Whereas, on December 22, 2016, this Court issued an order and
5 judgment granting final approval of a class action settlement and dismissing the class
6 action with prejudice.

7 2. Whereas, on July 29, 2019, the parties filed a joint case management
8 conference statement where they stated:

9 a. Since December 22, 2016, the parties have issued nationwide class
10 notice of the settlement twice and relief has been provided to
11 approximately 1,700 claimants.

12 b. Approximately \$16 million remains in the common fund and the claims
13 rate is decreasing each month.

14 c. The parties are interested in amending the class settlement to include an
15 additional integrated roof tile known as model number BP365TS
16 manufactured between 2005 to 2007.

17 3. Whereas, on September 10, 2019, this Court issued an order that the
18 parties file a stipulation to modify the class action settlement.

19 4. Whereas, on November 22, 2019, the parties filed a Joint Stipulation for
20 Preliminary Approval of Addendum to Class Settlement Agreement.

21 5. Whereas, on February 3, 2020, this Court issued an order granting
22 Preliminary Approval of Addendum to Class Settlement Agreement in which this
23 Court ordered the parties to file a stipulation for Final Approval of Addendum to
24 Class Settlement Agreement. Therefore, the parties agree and stipulate that BP365TS
25 model panels manufactured between 2005 to 2007 should be included as a Class
26 Panel and agree to amend the class settlement through an addendum that was attached
27 to the Joint Stipulation for Preliminary Approval of Addendum to Class Settlement
28 Agreement.

1 I hereby attest that all other signatories listed, and on whose behalf the filing is
2 submitted, concur in the filing's content and have authorized the filing.
3

4
5 Dated: March 4, 2020.

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER
LLP

6
7 By: /s/ E. Alex Beroukhim
E. Alex Beroukhim

8 Attorneys for Defendants
9 BP Solar International, Inc.
and Home Depot U.S.A., Inc.

10
11 Dated: March 4, 2020.

BIRKA-WHITE LAW OFFICES

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13 By: /s/ David Birka-White
David Birka-White

14 Attorneys for Plaintiffs Michael
15 Allagas, Arthur Ray Brett Mohrman,
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