

**FILED**  
Superior Court of California  
County of San Francisco



APR 13 2023

CLERK OF THE COURT

BY: Clark Gonyea  
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 613

JONATHAN SPIRO and SIMONE KAPLAN,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

v.

TRINITY MANAGEMENT SERVICES, INC.;  
1188 MISSION STREET LP; 1890 CLAY  
STREET LP; 2240 GOLDEN GATE AVE LLC;  
CRYSTAL TOWER PARTNERS LLC;  
SANGIACOMO FAMILY LP; TRINITY G2  
HOLDING LLC; JAMES SANGIACOMO;  
SUSAN SANGIACOMO; and DOES 1-50  
inclusive,

Defendants.

Case No. CGC-17-562293

ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT

Plaintiffs' unopposed motion for preliminary approval of the settlement of this class action was set to be heard on March 9, 2023, at 9:00 a.m. in Department 613, the Honorable Andrew Y.S. Cheng presiding. At the request of the parties, the Court vacated the hearing and considered the moving papers. Based on the Court's review, the Court requested supplemental briefing. The parties timely submitted their supplemental briefing, including an amended settlement agreement and forms of notice. The Court

1 has thoroughly reviewed and considered the proposed Amended Settlement Agreement, appended as  
2 Exhibit 1 to the supplemental declaration of attorney Brian Devine, the filings related to the motion for  
3 preliminary approval, and the pleadings on file in this action. The Court finds the matter suitable for  
4 disposition without oral argument, **GRANTS** the motion, and **ORDERS** as follows:

5 1. All terms or phrases used in this order shall have the same meaning as in the Amended  
6 Settlement Agreement unless otherwise specified.

7 2. The Amended Settlement Agreement preliminarily appears to be within the range of  
8 possible final approval as a fair, sufficient, and reasonable settlement, such that notice should be provided  
9 to the class.

10 3. The Court previously certified the following class and confirms that the criteria for  
11 certification remain satisfied for settlement purposes:

12  
13 *All individuals who, at any time between November 3, 2014 and March 12, 2020:*

14 *Rented or leased any residential property located in San Francisco that, at any time during*  
15 *his or her tenancy, was: (1) owned, managed, operated, or maintained by Defendant Trinity*  
16 *Management Services, and (2) subject to the San Francisco Residential Rent Stabilization*  
17 *and Arbitration Ordinance, codified at Chapter 37 of the San Francisco Administrative*  
18 *Code, and*

19 *Paid Defendant Trinity Management Services and/or its agents for trash, recycling, water,*  
20 *or sewer services; and*

21 *Where such payments were based on calculations based on the Utility Invoicing and*  
22 *Allocation Addendum attached to and incorporated into the Tenant's Lease at said property.*

23 4. The settlement class meets the requirements for certification under Code of Civil  
24 Procedure section 382. Specifically, for settlement purposes: (1) the class is numerous and ascertainable;  
25 (2) there are predominant common questions of law or fact; (3) Plaintiffs' claims are typical of the claims  
26 of the members of the class; and (4) a class action is superior to other methods to efficiently adjudicate  
27 this controversy through settlement.

28 5. For settlement purposes, the Court confirms the appointment of Jonathan Spiro and  
Simone Kaplan. The Court finds that Spiro and Kaplan will adequately represent the settlement class in  
accordance with Code of Civil Procedure section 382.

1           6.       For settlement purposes, the Court confirms the appointment of Kenneth Seeger and Brian  
2 Devine of Seeger Devine LLP as Class Counsel. The Court preliminarily finds that Class Counsel will  
3 represent the interests of the settlement class fairly and adequately in accordance with Code of Civil  
4 Procedure section 382.

5           7.       CPT Group, Inc. is appointed as the settlement administrator. The Court directs CPT  
6 Group, Inc. to carry out all of the duties and responsibilities as set forth in the Amended Settlement  
7 Agreement and this order, including *inter alia* the provision of notice to and receipt of objections by  
8 members of the settlement class.

9           8.       The parties' proposed forms of notice, as revised and submitted with the parties'  
10 supplemental briefing, are approved as to form and content subject to the following typographical  
11 corrections: Question 7, delete the word "make" in "You may make do so..."; Question 25; insert the  
12 word "is" in stating the final fairness hearing is open to the public. Class Counsel shall proofread the  
13 approved notice documents to correct any typos and fill in all blanks, including all highlighted dates,  
14 addresses and/or websites in accordance with this Order prior to the distribution of the notices.

15           9.       The proposed plan for distributing notice and the related procedures for opt-outs and  
16 objections are approved, meet the requirements of due process, and constitute the best notice practicable  
17 under the circumstances. (See Cal. Rules of Court, rule 3.769(f).)

18           10.      A final approval hearing is set for **July 20, 2023, at 10:00 a.m.** in Department 613 of the  
19 Superior Court of California, County of San Francisco, located at 400 McAllister Street, San Francisco,  
20 California 94102. At the final approval hearing, the Court will consider whether the Amended Settlement  
21 Agreement is fair, whether Class Counsel's application for fees and costs should be approved, whether  
22 Plaintiffs' requests for service awards should be approved, and any other matters that the Court deems  
23 appropriate.

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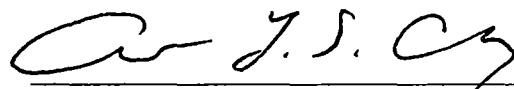
11. The following dates are set:

Event	Triggering Event	Date
Preliminary Approval		April 13, 2023
Defendant to Provide Class List to Settlement Administrator	Within 5 Days of Preliminary Approval	April 18, 2023
Distribution of Notice (by mail and email) and Website Go-Live Date	Within 21 Days of Preliminary Approval	May 4, 2023
Mailing or Remailing of Notice for Undeliverable Emails and Returned Mail	Within 5 days of Notice of Returned Mail or Email	
Deadline for Plaintiffs to File a Motion for Attorneys' Fees, Costs, and Service Awards		June 13, 2023
Deadline to Object in Writing or Request Exclusion from Class		June 20, 2023
Deadline for Plaintiffs to File a Motion for Final Approval of Class Action Settlement		June 27, 2023
Final Approval Hearing		<b>July 20, 2023, at 10:00 a.m.</b>

12. The Court may change the date of the final approval hearing without further notice.

IT IS SO ORDERED.

Dated: April 13, 2023



ANDREW Y.S. CHENG  
Judge of the Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.251)

I, CLARK BANAYAD, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On April 13, 2023, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: April 13, 2023

Mark Caulkin, Interim Clerk

By:   
\_\_\_\_\_  
CLARK BANAYAD, Deputy Clerk