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ORIGINAL FILED
Superior Court of California
County of Los Angeles

DEC 08 2017

Shawn R. Carter, Executive Officer/Clerk
By: Roxanne Arraiga, Deputy

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12 SYNCHRONY BANK, f/k/a GE CAPITAL
RETAIL BANK

14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17
18 JAMES E. ELIAS and JAMES P. KOZIK,
individually and on behalf of others
19 similarly situated,

20 Plaintiffs,

21 v.

22 SYNCHRONY BANK, f/k/a GE CAPITAL
23 RETAIL BANK, a federally-chartered
savings association, and DOES 1-10,
24 inclusive,

25
26 Defendants

CASE NO. BC555883

*[Assigned to the Hon. Kenneth R. Freeman –
Dept. 310]*

JUDGMENT

Hearing:
Date: December 7, 2017
Time: 10 a.m.
Dept: 310

Complaint Filed: August 28, 2014
FAC Filed: April 17, 2015
SAC Filed: February 17, 2016
TAC Filed: April 10, 2017

1 Pursuant to the Amended Settlement Agreement and Release (“Settlement Agreement”)
2 and the Order Granting Final Approval of Class Action Settlement filed December __, 2017,
3 judgment is hereby entered in this Action. Unless otherwise provided in this Order, all
4 capitalized terms shall have the same meaning as set forth in the Settlement Agreement.

5 This Court has jurisdiction over the subject matter of this Action and all parties to this
6 Action, including the Class Members as defined in Section 1(f) of the Settlement Agreement.
7 The Class Members consist of all residents of California who, between March 27, 2012 and June
8 16, 2017, (1) received a telephone call regarding the collection of a debt and spoke with an agent
9 of Synchrony Bank (formerly known as GE Capital Retail Bank and GE Money Bank), (2) did
10 not have an account with Synchrony Bank at the time of the call and (3) was not informed at the
11 beginning of the call that the call may be recorded. The Court refers to the class just defined as
12 the “Class.” This Judgment applies to all claims or causes of action settlement under the terms of
13 the Settlement Agreement, and shall be fully binding with respect to all members of the Class
14 who did not properly request exclusion from this settlement. A list of members of the Class who
15 have properly requested exclusion is attached hereto as Exhibit A.

16 Class Representatives and each member of the Class who has not submitted a valid and
17 timely request for exclusion from the Class, and their respective heirs, assigns, successors, agents,
18 attorneys, executors, and representatives, by operation of this Judgment shall have, fully, finally,
19 irrevocably, and forever released Synchrony Bank and, whether or not specifically named herein,
20 each of its past or present directors, officers, employees, agents, insurers or reinsurers,
21 shareholders, attorneys, advisors, consultants, representatives, partners, affiliates, related
22 companies, any entity on whose behalf Synchrony Bank or GE Capital Retail Bank may have
23 acted, parents, subsidiaries, joint venturers, independent contractors, service providers, vendors,
24 divisions, predecessors, successors, and assigns, from any and all liabilities, claims, causes of
25 action, damages, costs, attorneys’ fees, losses, or demands, whether known or unknown, existing
26 or potential, suspected or unsuspected, (1) asserted in the Third Amended Complaint, (2) relating
27 to the transactions, actions, conduct or events that are the subject of the Third Amended
28 Complaint, (3) relating to the violation of the California Invasion of Privacy Act, Cal. Penal Code

1 §§ 630, *et seq.*, including, without limitation, Cal. Penal Code §§ 631, 632, and/or 632.7, (4)
2 relating to the recording, eavesdropping upon and/or monitoring of telephone calls, and/or (5)
3 arising out of the institution, prosecution, assertion, defense, settlement or resolution of the
4 Action (collectively, the “Released Claims”). Except for proceedings to enforce the terms of the
5 Settlement Agreement, the Class Representatives and each member of the Class who has not
6 submitted a valid and timely request for exclusion from the Class are enjoined from filing,
7 maintaining, causing or knowingly permitting the filing or maintenance of any lawsuit,
8 administrative action, or other proceeding, in any state, federal or foreign court, or before any
9 local, state, federal or foreign administrative agency, or any other tribunal, that arises from or
10 relates to any of the Released Claims

11 Notice of this Judgment shall be provided to the Class by posting this Judgment on the
12 Settlement Website maintained by the Claims Administrator and, in addition, by mail along with
13 the disbursement checks to members of the Class with approved claims.

14 Pursuant to California Rules of Court Rule 3.769(h), and without affecting the finality of
15 this Judgment in any way, the Court hereby retains continuing jurisdiction over the Parties for the
16 purpose of construing, enforcing and administering this Judgment and the terms of the Settlement
17 Agreement.

18
19 **IT IS SO ORDERED.**

20 Dated: DEC 08 2017, 2017

21 **KENNETH R. FREEMAN**
22 _____
23 **HON. KENNETH R. FREEMAN**
24 **Judge of the Superior Court**

Exhibit "A"

James E. Elias v. Synchrony Bank

Timely Requests for Exclusion

	<u>Name</u>	<u>Address</u>
1.	PATRICIA MCELMURRY	2056 DEWAYNE AVE, CAMARILLO, CA 93010
2.	INNA BADRAN	12352 RUNNYMEDE ST. UNIT 5, NORTH HOLLYWOOD, CA 91605

1 **ATTORNEY'S CERTIFICATE OF SERVICE**

2
3 I, Jonathan Weiss, certify:

4 I am, and at all times mentioned herein was, an active member of the State Bar of
5 California and not a party to the above-entitled cause. My business address is 10576 Troon
6 Avenue, Los Angeles, California 90064-4436. On December 8, 2017, I served the foregoing
7 [proposed] JUDGMENT by electronically transmitting a true and correct copy thereof to
8 CaseAnywhere for dissemination to counsel of record listed as follows:

9
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11 Edward D. Totino
12 Monica D. Scott
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Dated: December 8, 2017

/s/ _____
Jonathan Weiss