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**FILED**  
Superior Court of California  
County of Alameda

10/04/2023

Clad Flake, Executive Officer / Clerk of the Court

By:  Deputy  
A. Hewitt

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8 Attorneys for Representative Plaintiff and the Class Members

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 CITY AND COUNTY OF ALAMEDA

11 MARC BALLER, on behalf of himself and all  
12 others similarly situated,

13 Plaintiff,

14 v.

15 BROOKFIELD PROPERTIES MULTI-  
16 FAMILY, LLC, a Delaware Limited Liability  
17 Company,  
18 FOREST CITY RESIDENTIAL  
19 MANAGEMENT, LLC, an Ohio Limited  
20 Liability Company, and  
21 UPTOWN HOUSING PARTNERS, LLC, a  
22 California Limited Liability Company,  
23 and DOES 1-100, inclusive,

24 Defendants.

Case No.: RG20061383

**CLASS ACTION**

*Assigned for All Purposes to:  
Hon. Brad Seligman, Dept. 23*

**PROPOSED AMENDED ORDER AND  
JUDGMENT OF FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
ATTORNEYS' FEES AND COSTS AND  
INCENTIVE AWARD**

Date: September 5, 2023  
Time: 3:00 p.m.  
Dept: 23

1 The Motion for Final Approval of Class Settlement came before this Court as duly  
2 noticed on September 5, 2023. The above captioned Action is a class action lawsuit brought by  
3 Plaintiff Marc Baller (“Plaintiff”) against Defendants Brookfield Properties Multifamily, LLC,  
4 Forest City Residential Management, LLC, and Uptown Housing Partners LLC (“Defendants”).

5 On April 11, 2022, this Court entered an order granting preliminary approval of the class  
6 action settlement in this matter. The Preliminary Approval Order directed the Parties to provide  
7 Notice to the Class, which informed the Class Members of: (a) the proposed Settlement and its  
8 key terms; (b) the date, time, and location of the Final Approval and Fairness Hearing; (c) the  
9 right of any Class Member to object to the proposed Settlement, and an explanation of the  
10 procedures to exercise that right; and (d) an explanation of the procedures for Class Members to  
11 opt out of the proposed settlement.

12 On October 4, 2022, the Court issued the Order and Judgment of Final Approval of Class  
13 Action Settlement and Attorneys’ Fees and Costs and Incentive Award. Subsequently, the Class  
14 Administrator distributed Settlement Fund pursuant to the Order.

15 On September 5, 2023, the Court held a compliance hearing to confirm compliance with  
16 the Order and review the total residual of unclaimed funds that will be paid to Causa Justa Just  
17 Cause. Accordingly, the Court now enters this Amended Order and Judgment.

18 The Court ORDERS THAT JUDGMENT IS HEREBY AMENDED AND ENTERED as  
19 follows, pursuant to California Code of Civil Procedure section 382 and Rules 3.769(h) of the  
20 California Rules of Court:

- 21 1. The definitions in the Settlement Agreement are incorporated herein by reference.
- 22 2. This Court has jurisdiction over the subject matter of the Action and over all  
23 Parties of the Action, including all members of the Class.
- 24 3. The Court hereby CERTIFIES the Settlement Class and GRANTS the Motion for  
25 Final Approval of the Settlement. The Court fully and finally approves the Settlement in the form  
26 contemplated by the Settlement Agreement and finds its terms to be fair, reasonable and  
27 adequate within the meaning of California Code of Civil Procedure section 382. The Court  
28 directs the consummation of the Settlement pursuant to the terms and conditions of the

1 Settlement Agreement.

2 4. The Court CONFIRMS the appointment of Plaintiff's Counsel.

3 5. The Court CONFIRMS the appointment of the Settlement Class Representative  
4 Marc Baller.

5 6. The Court CONFIRMS the appointment of Kroll Administration LLC is  
6 appointed as the Settlement Administrator.

7 7. The Court GRANTS Class Counsel's request for attorneys' fees and costs, and  
8 AWARDS Class Counsel \$108,333 in attorneys' fees and \$45,785.85 in litigation costs,  
9 including an additional \$321.70 in settlement administration costs and \$339.64 in filing fees, to  
10 be paid out of the Settlement Fund.

11 8. The Court AWARDS the Settlement Class Representative a service award of  
12 \$7,500, also to be paid out of the Settlement Fund.

13 9. The Court hereby discharges and releases the Released Claims as to the Released  
14 Parties, as those terms are used and defined in the Settlement Agreement.

15 10. The Court hereby permanently bars and enjoins the institution and prosecution by  
16 Class Plaintiffs and any Class Member of any other action against the Released Parties in any  
17 court or other forum asserting any of the Released Claims, as those terms are used and defined in  
18 the Settlement Agreement.

19 11. The Court hereby orders that a total of \$82,418.66, comprised of the class  
20 members' uncashed checks in the amount of \$82,874.13, minus \$455.47 in additional costs, all  
21 of which is from the Settlement Fund after all Settlement Costs and Cash Payments were paid,  
22 shall be distributed from the *cy pres* to the nonprofit "Causa Justa Just Cause" in Alameda  
23 County, California.

24 12. The Court further reserves and retains exclusive and continuing jurisdiction over  
25 the Settlement concerning the administration and enforcement of the Settlement Agreement and  
26 to effectuate its terms.

27 13. No later than five (5) days after receipt of notice of entry of this Amended Order  
28 and Judgment, the Parties shall submit the Amended Order and Judgment to the Judicial Council,

1 pursuant to Code of Civil Procedure section 384.5, and shall file a proof of service with the  
2 Court.

3 14. Notice of entry of final amended judgment shall be posted on the Settlement  
4 Administrator's website in compliance with California Rules of Court, rule 3.771(b).

5 15. This Final Amended Order shall constitute a final judgment.

6 It is so ORDERED.

7 10/04/2023

8 DATED: \_\_\_\_\_



9 \_\_\_\_\_  
10 The Honorable Brad Seligman  
11 ~~Brad Seligman~~ Judge

1 PROOF OF SERVICE

2 *Baller v. Brookfield Properties Multifamily, LLC, et al*  
3 Alameda County Superior Court  
4 Case No. RG20061383

5 I am employed in the County of San Francisco, State of California. I am over the age of  
6 18 and not a party to the within action. My business address is 21 Masonic Avenue, Suite A, San  
7 Francisco, California 94118.

8 On today’s date, I served the following document(s) described as:

9 ***[PROPOSED] AMENDED ORDER AND JUDGMENT OF FINAL APPROVAL***  
10 ***OF CLASS ACTION SETTLEMENT AND ATTORNEYS’ FEES AND COSTS***  
11 ***AND INCENTIVE AWARD***

12 ***SUPPLEMENTAL COMPLIANCE DECLARATION OF JULIA O. WOBBE***

13 on all parties in this action as follows:

14 Justin J. Fields 15 Aaron T. Winn 16 DUANE MORRIS LLP 17 One Market, Spear Tower, Suite 2200 18 San Francisco, CA 94105-1127 19 jfields@duanemorris.com 20 atwinn@duanemorris.com	21 Attorneys for Defendants 22 BROOKFIELD PROPERTIES MULTIFAMILY, 23 LLC, 24 FOREST CITY RESIDENTIAL MANAGEMENT, 25 LLC, and 26 UPTOWN HOUSING PARTNERS, 27 LLC
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28   √   By Electronic Transmission. I caused the documents to be sent from e-mail address pdavila@tobenerlaw.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

       By Mail. By placing a true copy of the above-referenced document(s) in a sealed envelope. I am readily familiar with the firm’s practice of collection and processing of mailing. Under the practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepared at San Francisco, California in the ordinary course of business.

       By Personal Service. By causing a true copy thereof enclosed in a sealed envelope, to be personally delivered on the date indicated below.

Executed on September 29, 2023 at Oakland, California.

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

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4 Patricia Davila

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