

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA**

**24CV061880: ACEVEDO vs ACES 2020 I, LLC  
04/27/2026 Compliance Hearing re: Final Distribution in Department 21**

Tentative Ruling - 04/24/2026 S. Raj Chatterjee

The Compliance Hearing re: Final Distribution scheduled for 04/27/2026 is continued to 08/31/2026 at 02:30 PM in Department 21 at Rene C. Davidson Courthouse .

The hearing on final distribution is CONTINUED. The Court ORDERS that class counsel direct the administrator to make a second distribution.

RELEVANT LAW

“The settlement-fund proceeds, having been generated by the value of the class members' claims, belong solely to the class members.” (Klier v. Elf Atochem North America, Inc. (5th Cir. 2011) 658 F.3d 468, 474.) “Ultimately, “[t]he goal of any distribution method is to get as much of the available damages remedy to class members as possible and in as simple and expedient a manner as possible.”” (In re LIBOR-Based Financial Instruments Antitrust Litigation (S.D.N.Y. 2018) 327 F.R.D. 483, 496.)

If there are unclaimed funds after an initial distribution to the class members, then the Court can order a second distribution to the class members who cashed their initial checks. (4 Newberg & Rubenstein on Class Actions (6th ed. 2022) §§ 12:28, 12:30.)

PROCEDURE

The settlement fund was \$1,650,000.00. The net settlement fund was \$1,281,512.87.

The Declaration of ILYM fails to state how many members of the class cashed their checks and how many did not cash their checks. The Court ORDERS class counsel to inform ILYM that it must include this information in future statements for final accounting.

There are 7,585 class members. Based on experience with prior settlements, the court estimates that 6,000 members of the class cashed their checks and 1,585 members of the class did not cash their checks. The residual is \$191,782.51.

Given the amount of money at issue relative to the cost of a second distribution, it makes sense to have a second distribution to get the most money to the most members of the class. A second distribution of \$185,000 (the uncashed funds, less admin costs) to the estimated 6,000 members of the class cashed their checks would result in an average second distribution of \$31 per person. The distribution of \$185,000 will result in a significant benefit to the class.

The court in its discretion finds that it is not required or appropriate to make further efforts to send checks to the estimated 1,585 members of the class who did not cash their checks in the first distribution. If those persons did not receive or cash their first checks, then it is reasonable

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to conclude that those persons will not receive or cash their second checks.

The court in its discretion finds that it is not required or appropriate to make a second distribution to any member of the class who would receive a check of \$14.99 or below. The court finds that it is appropriate to take the funds that would have been distributed to persons who would receive a check of \$14.99 or below and to reallocate the funds to persons who would receive a check of \$15.00 or above.

The court has considered the inequity of not sending a second check to persons who would receive a check of \$14.99 or below. The second distribution is an effort to get more money to the class members. If there were no second distribution, then the \$191,782.51 in funds would go to the cy pres beneficiary. The second distribution furthers the overall goal of getting more funds into the hands of class members while limiting the administrative cost. (In re Cipro Cases I & II (2004) 121 Cal.App.4th 402, 417 [“the allocation of the total sum of damages among the individual class members is an internal accounting question”].)

The court ORDERS that the check-cashing period for second distribution will be 60 days from the date the second distribution of settlement checks were issued.

The court ORDERS that the claims administrator may charge a reasonable amount for the second distribution, which amount will be taken from the funds remaining from the first distribution.

The court ORDERS that the claims administrator must not make any payment to the cy pres beneficiary until the Court approves the final distribution.

The court ORDERS that the claims administrator must continue to hold the 10% of attorneys fees until the Court approves the final distribution.

PLEASE NOTE: This tentative ruling will become the ruling of the court if uncontested by 04:00pm the day before your hearing. If you wish to contest the tentative ruling, then both notify opposing counsel directly and the court at the eCourt portal found on the court’s website: [www.alameda.courts.ca.gov](http://www.alameda.courts.ca.gov).

If you have contested the tentative ruling or your tentative ruling reads, “parties to appear,” please use the following link to access your hearing at the appropriate date and time: <https://alameda-courts-ca-gov.zoomgov.com/my/department21> . If no party has contested the tentative ruling, then no appearance is necessary.