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FILED
SUPERIOR COURT
COUNTY OF LAKE

JUN 23 2023

BY Krista D. LeVier
Deputy Clerk

6 Attorneys for Plaintiff
7 JIMMY KASHANIAN

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LAKE**
10 **LAKEPORT DIVISION**

11 JIMMY KASHANIAN, individually and on
12 behalf of all others similarly situated,

Case No. CV416920
(Unlimited Civil Case)

13 Plaintiff,

**STIPULATION AND ORDER AFTER
CLASS CERTIFICATION**

14 v.

15 NATIONAL ENTERPRISE SYSTEMS, INC.,
16 an Ohio corporation; and DOES 1 through 10,
17 inclusive,

Hearing Date: March 20, 2023
Hearing Time: 9:00 a.m.
Hearing Dept.: 1
Hearing Judge: Michael S. Lunas
Hearing Location: 255 North Forbes Street
Lakeport, California

18 Defendants.

19 The parties in the above-entitled action hereby submit this Stipulation and Order After Class
20 Certification. In support of their request, the parties state as follows:

21 1. On October 25, 2022, Plaintiff and Class Representative, JIMMY KASHANIAN,
22 filed a First Amended Class Action Complaint for Statutory Damages herein.

23 2. KASHANIAN filed the Class Action Complaint on behalf of himself and all
24 persons similarly situated, seeking statutory damages for Defendant, NATIONAL ENTERPRISE
25 SYSTEMS, INC.'s, alleged violations of the California Rosenthal Fair Debt Collection Practices Act,
26 California Civil Code §§ 1788-1788.33.

27 3. After briefing and a hearing, on May 4, 2023, the Court entered its Order on Motion
28

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\$20.00

1 of Plaintiff for Class Certification, wherein the Court certified the case as a Class Action, appointed
2 KASHANIAN as Class Representative, and appointed Fred W. Schwinn, Racon R. Roulston, and
3 Matthew C. Salmonsens of Consumer Law Center, Inc., as Class Counsel.

4
5 4. Pursuant to the Court's Order on Motion of Plaintiff for Class Certification, the
6 parties, by and through their respective counsel, hereby stipulate and agree, for the sole purposes of this
7 action only, as follows:

8 5. The Class Administrator shall be CPT Group, Inc., 50 Corporate Park, Irvine, CA
9 92606.

10 6. Defendant represents that the class list previously produced in discovery is
11 complete and up-to-date, and appropriate for use for Class notice.

12 7. The Class Administrator shall promptly provide notice to the Class in the form of
13 Exhibits "A," "B," and "C," attached hereto.

14
15 a. KASHANIAN and Class Counsel have engaged the Class Administrator to
16 implement a robust system of notice to the approximately 40,239 Class members, consisting of
17 a postcard delivered by the United States Postal Service (Exhibit "A"), which directs Class
18 members to a static website for more detailed information (Exhibit "B"), as well as a telephone
19 hotline (See Exhibit "C") for those Class members who may be unable to access the website.

20 8. Class Members shall have 60 days from the date of mailing of the notice to exclude
21 themselves from the certified class.
22

23 ///

24 ///

25 ///


26 ///

27 ///

1 IT IS SO STIPULATED.

2 CONSUMER LAW CENTER, INC.


3
4 Dated: June 20, 2023

5 By: 
6 Fred W. Schwinn (SBN 225575)
7 Raeon R. Roulston (SBN 255622)
8 Matthew C. Salmonsens (SBN 302854)

9 Attorneys for Class Representative
10 JIMMY KASHANIAN

11 HINSHAW & CULBERTSON LLP

12 Dated: June 20, 2023


13 By: 
14 Justin M. Penn (SBN 302350)
15 Brian S. Whittemore (SBN 241361)

16 Attorneys for Defendant
17 NATIONAL ENTERPRISE SYSTEMS, INC.

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: 6-23-23

21  Michael S. Lunas
22 The Honorable Michael S. Lunas
23 Judge of the Superior Court
24
25
26
27
28

A COURT AUTHORIZED THIS
LEGAL NOTICE

*Kashanian v. National Enterprise
Systems, Inc.*

Case No. CV416920

(Lake County Superior Court)

has been certified to proceed as a class
action.

If you received a letter from National
Enterprise Systems, Inc., after
December 27, 2015, attempting to
collect a defaulted debt originally
owed to Bank of America, a class
action lawsuit may affect your rights.

PRESORTED
First Class
US Postage
PAID

CONSUMER LAW CENTER, INC.

38 West Santa Clara Street

San Jose, California 95113-1806

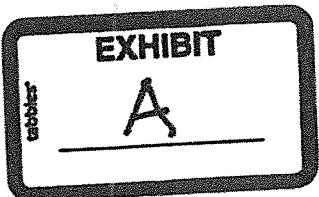
Return Service Requested

«ConsumerName»

«Address1»

«Address2»

«City», «State» «Zip»



WHAT IS THIS LAWSUIT ABOUT? Plaintiff, Jimmy Kashanian, claims that Defendant, National Enterprise Systems, Inc., sent a first written debt collection communication to Mr. Kashanian and the Class which violates California's Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1812.701(b). Defendant denies that it did anything wrong. The court has not decided whether or not Defendant did anything wrong. For more information, visit _____ or call _____.

WHO IS A CLASS MEMBER? You are in the Class if you received a specific form collection letter from National Enterprise Systems, Inc., after December 27, 2015, allegedly attempting to collect a defaulted debt originally owed to Bank of America. An exemplar of the collection letter in question is provided at the website above.

YOUR RIGHTS AND OPTIONS

Do Nothing to Stay in the Lawsuit. Await the outcome. Give up certain rights.

If you do nothing, you may get money or benefits from a trial or settlement. If you stay in the lawsuit, you will be bound by any Court decisions or any trial in the lawsuit. There is no money available now, and no guarantee that there will be. If you stay in the lawsuit, you give up any rights to sue the Defendant for the same legal claims based on the same set of facts as those alleged in this lawsuit.

The Court decided that the law firm Consumer Law Center, Inc., in San Jose is qualified to represent you and all Class Members. If you do nothing and stay in the lawsuit, those lawyers will represent the interests of you and the Class. If you have questions about whether you need your own lawyer, visit _____ or call _____.

Ask to be Excluded. Opt-out of this lawsuit. Get no benefits from it. Keep rights.

If you ask to be excluded and money or benefits are later awarded to the Class, you will not share in those. But you keep any rights to assert claims against the Defendant based on the same set of facts as those alleged in this lawsuit. To opt out, you must mail or email a letter asking to be excluded from the class action that includes your name, address, telephone number and the case name "*Kashanian v. National Enterprise Systems, Inc.*" or submit an exclusion request form on the Class website. Your exclusion request must be submitted or postmarked on or before _____. To learn more, visit _____ or call _____.

This Notice is only a summary. Details about the lawsuit can be found at: _____. Do not contact the Court.

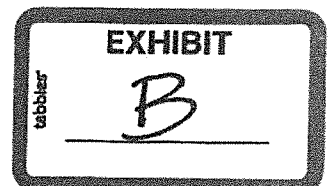
OFFICIAL COURT NOTICE	
<p>JIMMY KASHANIAN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>NATIONAL ENTERPRISE SYSTEMS, INC., an Ohio corporation; and DOES 1 through 10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Superior Court of the State of California County of Lake – Lakeport Division</p> <p>Case No. CV416920 Civil Action</p>
<p>PLEASE READ THIS NOTICE CAREFULLY IT CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS AS A CLASS MEMBER</p>	
<p><i>The Lake County Superior Court authorized this Notice. This is not a solicitation from a lawyer.</i></p>	

1. Why Should I Read this Notice?

The Complaint in this litigation has been certified to proceed as a class action in the Santa Clara County Superior Court, entitled *Kashanian v. National Enterprise Systems, Inc.*, Case No. CV416920 (“Lawsuit”). You have been identified as a member of the Class. This Notice explains the nature of the Lawsuit and informs you of your legal rights and obligations. You should read this Notice to learn what this Lawsuit is about and what you need to do if you wish to exclude yourself as a class member or to enter an appearance through your own attorney.

2. What is this Lawsuit About?

Jimmy Kashanian (“Plaintiff”) filed this Lawsuit against National Enterprise Systems, Inc. (“Defendant”), alleging that Defendant sent a first written communication to Plaintiff and other Class Members in an attempt to collect a defaulted consumer debt (Exhibit “1”) which fails to provide the notice required by California Civil Code § 1812.700(a) in the manner required by California Civil Code § 1812.701(b). Defendant denies that it violated California Civil Code § 1812.701(b) in any manner, and has asserted other defenses in this matter.



3. Why is this a Class Action?

Believing that others also received a notice similar to the notice that he received from Defendant, Plaintiff filed the Lawsuit as a class action. A class action is a type of lawsuit in which one or a few individuals represent a group of people who were allegedly harmed by a defendant's conduct. This group of people is referred to as the "Class" or as the "Class Members."

4. Who is a Class Member for this Lawsuit?

You have been identified as a Class Member in this Lawsuit. The Class is defined as:

All persons with addresses in California to whom Defendant sent, or caused to be sent, an initial written communication in the form of Exhibit "1" to the First Amended Class Action Complaint for Statutory Damages in an attempt to collect a defaulted consumer debt originally owed to BANK OF AMERICA, N.A., which were not returned as undeliverable by the U.S. Post Office during the period December 27, 2015, through May 4, 2023.

Excluded from the class are any officers, directors, or legal representatives of National Enterprise Systems, Inc., and any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff.

5. How Do I Enter My Appearance in this Lawsuit?

Entering an appearance is **NOT** necessary to participate in this lawsuit. Class Counsel will represent the Class without charge to you or the other Class Members. However, if you wish to do so, you may be represented by your own attorney in this Lawsuit at your own expense.

6. If I Do Not Want to be in the Class, How Do I Exclude Myself?

If you do NOT want to remain a Class Member and wish to exclude yourself from the Lawsuit, you must send a written request to the Class Administrator listed below. The request must be **in writing** and include the name and number of this case (*Jimmy Kashanian v. National Enterprise Systems, Inc., et al*, Case No. CV416920), your name, address, telephone number, and must be dated and signed by you as the Class Member. The request must be sent by first-class mail postmarked no later than [date of mailing +60 days], 2023, addressed to:

Claims Administrator
CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

Requests for exclusion postmarked after [date of mailing +60], 2023, will not be effective.

By electing to be excluded from the Class: 1) you will not share in any recovery in the Lawsuit if a recovery is awarded; 2) you will not be bound by orders or judgments entered in the Lawsuit; and 3) you may present any claim you may have against Defendant in your own separate lawsuit at your own expense.

7. If I Remain as a Class Member, Who Represents Me?

Plaintiff, Jimmy Kashanian, has been appointed by the Court as the Class Representative. The Court has also approved Plaintiff's attorneys below to represent the Class. They are called "Class Counsel." You will NOT be charged personally for Class Counsel's services. If you want to be represented by your own lawyer, you may hire one at your own expense.

Fred W. Schwinn
Raeon R. Roulston
Matthew C. Salmonsens
CONSUMER LAW CENTER, INC.
38 West Santa Clara Street
San Jose, California 95113-1806
(408) 294-6100
fred.schwinn@sjconsumerlaw.com

8. How Will My Claims Be Affected If I Am A Member of The Class?

Unless you exclude yourself as a Class Member pursuant to Section 6 above, all of the Court's orders in this case will apply to you. If the Court rules on the claims in this Lawsuit as described above, all members of the class will be governed by the ruling.

9. How Will Class Counsel's Fees and Expenses be Paid?

If Mr. Kashanian is successful in pursuing the Lawsuit, Class Counsel will seek Court approval for an award of reasonable attorneys' fees, costs and expenses from Defendant. All such amounts must be approved by the Court, and would be paid by Defendant.

10. How Will the Costs Associated With the Notice and Administration Be Paid?

The costs associated with the notice and administration of this lawsuit will be paid by Class Counsel. If Mr. Kashanian is successful in this lawsuit, Class Counsel will request that the Court order the Defendant to repay these costs and expenses.

11. Where Can I Obtain More Information About this Lawsuit?

This Notice is only a summary of the proceedings in the Lawsuit. If you want additional information about the Lawsuit, you may contact Class Counsel, using the contact information listed in Section 7, or the Class Administrator using the contact information listed in Section 6. Please include the case name and number of the Lawsuit, and your name and your current address on any letters. You may review the file in this case at the Office of the Clerk, at the Lake County Superior Court, 255 N. Forbes Street, 4th Floor, Lakeport, CA 95453, or the Court's website at: <http://portal.lake.courts.ca.gov/public-portal>.

**PLEASE DO NOT CONTACT THE COURT OR JUDGE.
THEY WILL NOT BE ABLE TO DISCUSS THIS CASE WITH YOU.**

Message – “Thank you for calling the Kashanian v. National Enterprise Systems, Inc, CASE SUPPORT LINE”.

If you'd like to leave a message please press 0 at any time or you may stay on the line and the next available agent will be with you shortly.

Message – Please listen carefully to the following options:

If you'd like to submit a change of address request, please press 1

For our mailing address, please press 2

If you would like information regarding what this case is about, please press 3

If you'd like additional information on excluding yourself from the lawsuit, please press 4

All other callers please stay on the line and your call will be answered by the next available agent.

➤ **Call is transferred into queue:**

For quality assurance purposes your call will be monitored and recorded.

_____ If they do not press a button the hold music will continue to play _____

We'll also have a prompt come on letting them know what place they are in the queue and the current wait time.

Here's what will be said:

Pressing 1:

Message – “If the Class Notice was mailed to you at an old address, or if you have moved, please advise the Administrator of your current address so that you can receive any future notices. Any change to your address should be mailed to:

Kashanian v. National Enterprise Systems, Inc.
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606



Please press * to go back to the main menu or you may stay on the line and the next available agent will be with you shortly. Thank you”

Pressing 2:

Our mailing address is 50 Corporate Park, Irvine (spell out I-R-I-V-N-E) CALIFORNIA 92606. Our fax number is 1 (800) 419-3446. Our email address is info@cptgroup.com. Please press * to go back to the main menu or you may stay on the line and the next available agent will be with you shortly. Thank you.

Pressing 3:

In this lawsuit, the Plaintiff Jimmy Kashanian raised a claim under California’s Rosenthal Fair Debt Collection Practices Act. Specifically, Plaintiff alleged that Defendant, National Enterprise Systems, Inc., sent a first written debt collection communication to Mr. Kashanian and the Class which failed to include the notice required by California Civil Code § 1812.700(a) in the manner required by California Civil Code § 1812.701(b). The Defendant contends that the Plaintiff’s claims are meritless.

The Court has not yet decided who is right or wrong. This notice is not an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted by either side. To learn more, visit [\[redacted\]](#). You may also review the file in this case at the Office of the Clerk, located at the Lake County Superior Court, 255 North Forbes Street, 4th Floor, Lakeport, California 95453.

Please press * to go back to the main menu or you may stay on the line and the next available agent will be with you shortly. Thank you.

Pressing 4:

To ask to be excluded, you should complete the following action no later than [date of mailing +60], 2023.

If you wish to opt out and be excluded from the Class, you must do so in writing. The request must include the name and number of this case (*Kashanian v. National Enterprise Systems, Inc.*, Case No. CV416920), your name, address, and telephone number, and must be dated and signed by you as the Class Member. Mail your written request to the Case Administrator, CPT Group at 50 Corporate Park, Irvine CA 92606, Attn: Kashanian v. National Enterprise Systems, Inc., Case Administrator.

Please press * to go back to the main menu or you may stay on the line and the next available agent will be with you shortly. Thank you.