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~~RECEIVED~~
May 30, 2025

FILED
Clerk of the Superior Court

JUN 13 2025

By: R. Day, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION**

SUSAN COSTA, an individual, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

ROAD RUNNER SPORTS, INC., ROAD
RUNNER SPORTS RETAIL, INC., and
DOES 1-50, inclusive,

Defendants.

Case No. 37-2020-00017100-CU-MC-CTL

CLASS ACTION

Assigned for All Purposes to:
Joel R. Wohlfeil
Department C-73

~~[PROPOSED]~~ **PRELIMINARY APPROVAL
ORDER**

Complaint Filed: May 26, 2020

1 WHEREAS, this Action was filed on May 26, 2020;

2 WHEREAS, Plaintiff Michael O'Connor, on behalf of himself and members of the certified
3 class, and Defendants Road Runner Sports, Inc. and Road Runner Sports Retail, Inc. (together,
4 "Defendants") have entered into a Settlement Agreement resolving the Action, subject to Court
5 approval;

6 WHEREAS, the Action was settled as a result of arm's-length negotiations by counsel
7 experienced in similar litigation after investigation and discovery sufficient to permit counsel and
8 the Court to act knowingly; and

9 WHEREAS, the Parties have made an application for an order preliminarily approving the
10 settlement of this certified class action, and approving the form and method of notice upon the terms
11 and conditions set forth in the Settlement Agreement filed with this Court on May 30, 2025, together
12 with all exhibits thereto, and the Court having considered the Settlement Agreement, together with
13 all exhibits thereto and records in this case, and the arguments of counsel at a hearing held on June
14 13, 2025.

15 THEREFORE, for good cause appearing, it is hereby ordered as follows:

16 **I. THE SETTLEMENT AGREEMENT IS PRELIMINARILY APPROVED, AND THE**
17 **FINAL APPROVAL HEARING IS SET; PROVISIONS FOR EXCLUSION AND**
18 **OBJECTIONS**

19 1. The Court hereby preliminarily approves the Settlement Agreement and the terms
20 and conditions of settlement set forth in the Settlement Agreement as fair, reasonable and adequate.
21 The terms of the Settlement Agreement are sufficiently within the range of reasonableness to
22 warrant notice to the Class and are subject to further consideration thereof at the Final Approval
23 Hearing.

24 2. The Court will hold a Final Approval Hearing on 11-14-25 at 9:00 a.m., in
25 Department C-73 at the Superior Court for the County of San Diego, 330 West Broadway, San
26 Diego, to consider: (a) whether the proposed settlement of the Action on the terms set forth in the
27 Settlement Agreement should be approved as fair, just, reasonable, adequate and in the best interests
28 of the Class; (b) the application by Class Counsel for an award of attorney fees, costs and expenses;

1 (c) the application for a Class Representative service award; (d) the Release of the Released Claims
2 as set forth in the Settlement Agreement; (e) whether the Court should enter the [Proposed] Final
3 Order and Judgment; and (e) ruling upon such other matters as the Court may deem just and
4 appropriate.

5 3. The Final Approval Hearing may, and without further notice to the Class Members
6 (except those who have filed timely and valid objections), be continued or adjourned by order of the
7 Court.

8 4. The Parties may further modify the Settlement Agreement prior to the Final Approval
9 Hearing so long as such modification does not materially change the terms of the settlement
10 provided thereunder. The Court may approve the Settlement Agreement with such modifications as
11 may be agreed to by the Parties, if appropriate, without further notice to the Class Members.

12 5. Objections by any Class Member to: (a) the fairness, reasonableness, or adequacy of
13 the Settlement Agreement; (b) an award of attorney fees and expenses; or (c) a service award to the
14 Class Representative, shall be heard, and any papers submitted in support of said objection shall be
15 considered by the Court at the Final Approval Hearing only if, on or before thirty (30) days before
16 the date first set for the Final Approval Hearing (see Paragraph 2 above), such objector files with
17 the Clerk of the Superior Court of the County of San Diego and serves upon the Parties' counsel a
18 written objection consistent with the terms of the Class Notice, i.e.: (i) a heading which refers to the
19 Action; (ii) the objector's full name, telephone number, and address (the objector's actual residential
20 address must be included); (iii) if represented by counsel, the full name, telephone number, and
21 address of all such counsel; (iv) all of the reasons for his or her objection; (v) whether the objector
22 intends to appear at the Final Approval Hearing on his or her own behalf or through counsel; (vi) a
23 statement that the objector is a Class Member and, if known, his or her former or current VIP
24 Rewards Membership number; and (vii) the objector's dated, handwritten signature (an electronic
25 signature or attorney's signature are not sufficient).

26 6. Any documents supporting the objection must also be attached to the objection. If
27 any testimony is proposed to be given in support of the objection, the names of all persons who will
28 testify at the Final Approval Hearing must be set forth in the objection. To be considered for hearing,

1 all objections must be actually received by the counsel identified in the Class Notice on or before
2 thirty (30) days before the date first set for the Final Approval Hearing (see Paragraph 2 above). A
3 Class Member need not appear at the Final Approval Hearing for his or her objection to be
4 considered. However, any Class Member may enter an appearance in the Action at his or her own
5 expense, individually or through counsel. Notices of Appearance must be filed with the Court and
6 served on the Parties identified in the Class Notice on or before thirty (30) days before the date first
7 set for the Final Approval Hearing (see Paragraph 2 above). All Class Members who do not enter
8 an appearance will be represented by Class Counsel.

9 7. Any Class Member who wishes to opt out of the Class must mail a written Request
10 for Exclusion to the Settlement Administrator, postmarked or delivered no later than thirty (30) days
11 before the date first set for the Final Approval Hearing (see Paragraph 2 above). The written request
12 should state that the person is a Class Member and wants to be excluded from the Class, must be
13 signed by the Class Member, and otherwise comply with the requirements for exclusion as set forth
14 in the Class Notice. Any Class Member who does not submit a valid and timely Request for
15 Exclusion will be bound by the judgment and orders in this Action.

16 8. No later than forty-four (44) days before the Final Approval Hearing, the Parties shall
17 file their opening papers in support of their motion for final approval of the settlement and the
18 application for an award of attorney fees, expenses and the service award. No later than five (5)
19 court days before the Final Approval Hearing, the Parties shall file their reply papers as needed,
20 including as needed to respond to objections. The reply papers shall be served upon any objector
21 who has complied with the provisions of Paragraphs I.5 and I.6 of this Order.

22 **II. THE COURT APPROVES THE FORM AND METHOD OF CLASS NOTICE**

23 1. Having considered the notices attached as Exhibits D, E and F to the Settlement
24 Agreement, and the Notice Plan as set forth in the Settlement Agreement, the Court approves the
25 forms and contents of the Class notices and the Notice Plan.
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1 2. The Court appoints Epiq as Settlement Administrator. The Settlement Administrator
2 shall disseminate the Class Notice and supervise and carry out the Notice Plan, the Claim Process,
3 and other administrative functions.

4 3. Within twenty-eight (28) days of this Order, the Settlement Administrator is ordered
5 to disseminate the Class Notice pursuant to the Settlement Agreement and Notice Plan.

6 4. The Court finds that the notice to the Class Members regarding settlement of this
7 Action, including the content of the notices and method of dissemination to the Class Members in
8 accordance with the terms of Settlement Agreement, constitute the best notice practicable under the
9 circumstances, and constitute valid, due and sufficient notice to all Class Members, complying fully
10 with the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781,
11 California Rules of Court, Rules 3.766 and 3.769(f), and the California and United States
12 Constitutions.

13 5. The costs of the Settlement Administrator, including disseminating the Class Notice
14 and otherwise implementing the Notice Plan and administering the Claims Process in accordance
15 with the Settlement Agreement shall be paid by Defendants.

16 6. No later than five (5) court days before the Final Approval Hearing, a list of those
17 persons who have excluded themselves from this proposed settlement shall be filed with this Court.

18 **IT IS SO ORDERED.**

19
20 Dated:

21 6-13-25

22 By: 

23 HON. JOEL R. WOHLFEIL
24 JUDGE OF THE SUPERIOR COURT