

FILED
Superior Court of California
County of Los Angeles

NOV 02 2020

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16
17 PAUL SIMON, LEAH BOYER, AS GUARDIAN
AD LITEM FOR JANE DOE AND JOHN DOE,
18 LEE FINTEL, LEONARDO COSTELLO,
19 MELISSA WALLACE, LYNELLE GOODREAU,
REBECCA PORRINO, AND BONNIE
20 SHULMAN, individually, and on behalf of others
21 similarly situated,

22 Plaintiffs,

23 vs.

24 BLUE CROSS OF CALIFORNIA, d/b/a
25 ANTHEM BLUE CROSS; and DOES 1 - 100,
26 inclusive,

27 Defendants.
28

Case No.: BC639205

**JOINT STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF ENTIRE
ACTION WITH PREJUDICE**

SHERNOFF BIDART
ECHEVERRIA
LAWYERS FOR INSURANCE POLICYHOLDERS



1 Plaintiffs Paul Simon, Jane Doe and Jane Roe, Lee Fintel, Leonardo Costello, Melissa Wallace,
2 Lynelle Goodreau, Rebecca Porrino, and Bonnie Shulman (hereafter “Plaintiffs”) and Defendant Blue
3 Cross of California dba Anthem Blue Cross (“Anthem”) (collectively, the “Parties”) submit the
4 following Stipulation:

5 Plaintiff filed the above referenced case as a class action on October 31, 2016.

6
7 On July 19, 2018, the Court granted Anthem’s Petition to Compel Arbitration. As part of the
8 Order, the Court also enforced the class action waiver provision, which prohibited Plaintiffs from
9 participating in class or representative proceedings as to all disputes between the parties.

10
11 On November 1, 2019, the trial court’s decision to grant Anthem Blue Cross’s petition to
12 compel arbitration, enforce class action waiver, and stay case was upheld in full by the California Court
13 of Appeal.

14 Therefore, the only remaining claims in the action were the individual, non-class, claims brought
15 on behalf of the eight named Plaintiffs.

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17 Prior to initiating arbitration proceedings, the Parties reached a settlement of each of the eight
18 individual claims, thereby resolving the action in its entirety.

19 On October 15, 2020, the Parties filed a form Request for Dismissal with the Court, but the Court
20 rejected the Request for Dismissal. The reason provided was as follows: “This form may not be used to
21 dismiss a class action or any party or cause of action in a class action.”

22
23 Accordingly, the Parties have filed the instant Stipulation for Dismissal to clarify that the only
24 remaining claims in this action were the eight individual, non-class claims, which have been fully
25 resolved.

26 Therefore, the Parties, through their respective counsel of record, hereby stipulate and agree that
27 this action shall be dismissed in its entirety with prejudice. Each Party is to bear its own attorneys’ fees
28 and costs except as separately agreed.

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IT IS SO STIPULATED.

Dated: October 27, 2020

CONSUMER WATCHDOG


By Travis Corby/CA
Jerry Flanagan
Benjamin Powell

SHERNOFF BIDART ECHEVERRIA
LLP
Michael J. Bidart
Travis M. Corby

Attorneys for Plaintiffs PAUL SIMON,
LEAH BOYER, AS GUARDIAN AD
LITEM FOR JANE DOE AND JANE
ROE, LEE FINTEL, LEONARDO
COSTELLO, MELISSA WALLACE,
LYNELLE GOODREAU, REBECCA
PORRINO, AND BONNIE SHULMAN

Dated: October 27, 2020

REED SMITH LLP

By 
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Attorneys for Defendant
BLUE CROSS OF CALIFORNIA DBA
ANTHEM BLUE CROSS

1 Upon consideration of the Parties' Stipulation, and good cause appearing, IT IS HEREBY ORDERED
2 that this action is dismissed in its entirety with prejudice. Each party is to bear its own attorneys' fees
3 and costs except as separately agreed.

4 IT IS SO ORDERED.

5 Dated: 11/2/2020

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7 JUDGE AMY D. HOGUE

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite
4 2900, Los Angeles, California 90071-1514. On October 27, 2020, I served the following
document(s) by the method indicated below:

5 **JOINT STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF ENTIRE**
6 **ACTION WITH PREJUDICE**

7 via electronic service via Case AnyWhere through electronic transmission to all parties
8 appearing on the electronic service list. Upon completion of said transmission of said
9 document, a certified receipt is issued to the filing party acknowledging receipt by Case
AnyWhere System. Once Case AnyWhere has served all designated recipients, proof of
electronic service/confirmation will be maintained with the original document in this office.
10 **(VIA CASE ANYWHERE)**

11 I declare under penalty of perjury under the laws of the State of California that the
12 above is true and correct. Executed on October 27, 2020, at Los Angeles, California.

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14 Claudia M. Alaniz
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REED SMITH LLP
A limited liability partnership formed in the State of Delaware