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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

APR 06 2017

BY Jessica Gardez
JESSICA GARDEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MASTANE SHALIKAR, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SKEETER SNACKS, LLC

Defendant.

Case No. CIVDS1702247

CLASS ACTION

**DECLARATION OF STEPHANIE A.
STROUP IN SUPPORT OF JOINT
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: May 24, 2017
Time: 8:30am
Dept.: S26
Judge: Hon. David Cohn

Action Filed: February 8, 2017

DECLARATION OF STEPHANIE A. STROUP IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 I, Stephanie A. Stroup, declare as follows:

2 1. I am an attorney at law, licensed to practice before the courts in California and I
3 am Senior Counsel at Norton Rose Fulbright US LLP, counsel of record for Defendant Skeeter
4 Snacks, LLC (“Defendant”). I have personal knowledge of the matters set forth in this
5 Declaration, and if called upon to testify, I could and would competently testify thereto.

6 2. I submit this declaration in support of the Joint Motion for Preliminary Approval
7 of Class Action Settlement.

8 3. The proposed Notice Plan provides reasonable notice in light of the nature of the
9 individual claims, the amount of restitution at stake, the limitations on the scope of the release,
10 and the limited resources of the Defendant to fund Class Notice. Defendant is unable to provide
11 direct notice to any potential Settlement Class Members, as it does not maintain lists of
12 purchasers of the Covered Products, nor is it able to obtain such lists.

13 4. I have weighed the strengths and weaknesses of this Action, examined all of the
14 issues and, as a result, endorse the proposed settlement.

15 5. During the course of the negotiations, I have considered, among other things, the
16 risks and expenses of further litigation, the prospect of losing on the merits, and the complexities
17 associated with the present state of the law.

18 6. Defendant had substantiation for the “All Natural” representations that appeared
19 in the labeling and advertising for Covered Products, and I have shared with Plaintiff’s counsel
20 information that supported those representations.

21 7. Defendant intended to argue that even if Plaintiff’s allegations about Defendant’s
22 labeling and advertising claims were correct, Defendant would be entitled to a “set off” of the
23 value for the Covered Products, and Plaintiff could not present any reliable damages model to tie
24 the alleged misrepresentation to a specific price premium.

25 8. The manufacturer’s suggested retail price (“MSRP”) for Defendant’s top-selling
26 Covered Product, the 8 oz. package of Chocolate Chip cookies, is priced at \$2.99. This is less
27 than the \$3.00 payment Defendant proposes to remit to Settlement Class Members who submit a

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1 Claim Form but have no written proof of purchase, and was why the Parties believe this is a
2 reasonable amount to pay Settlement Class Members.


3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

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6 DATED: April 5, 2017

NORTON ROSE FULBRIGHT US LLP

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By: 
Stephanie A. Stroup

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