

FILED
Superior Court of California
County of Los Angeles

FEB 11 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By: N. Baytaryan, Deputy

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12 Attorneys for Plaintiffs

13 [Attorneys for Defendants on next page]

14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 SARAH TITHER-KAPLAN and TONI GAAL, on
behalf of themselves and all those similarly
18 situated,

19 Plaintiffs,

20 v.

21 JAMES FRANCO, VINCE JOLIVETTE, JAY
DAVIS, RABBITBANDINI PRODUCTIONS;
22 RABBITBANDINI PRODUCTIONS, LLC;
RABBITBANDINI FILMS, LLC; DARK
23 RABBIT PRODUCTIONS, LLC;
RABBITBANDINI PRODUCTIONS STUDIO 4,
24 LLC, and DOES 1-10

25 Defendants.

Case No: 19STCV35156

[Assigned to the Honorable Ann I. Jones –
Dept. 11 – Spring Street Courthouse]

CLASS ACTION

JOINT STATUS REPORT

Complaint Filed: October 3, 2019

02/18/2021

1 [Counsel continued from first page]

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23 *Attorney for Defendants James Franco, RabbitBandini Productions; RabbitBandini Productions, LLC;*
24 *RabbitBandini Films, LLC; Dark Rabbit Productions, LLC; RabbitBandini Productions Studio 4, LLC*

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1 Plaintiffs Sarah Tither-Kaplan and Toni Gaal, on behalf of themselves and all others similarly
2 situated (hereinafter "Plaintiffs"), and Defendants James Franco, Vince Jolivette, Jay Davis, RabbitBandini
3 Productions; RabbitBandini Productions, LLC; RabbitBandini Films, LLC; Dark Rabbit Productions, LLC;
4 RabbitBandini Productions Studio 4, LLC; and Does 1-10 (hereinafter "Defendants") (collectively, the
5 "Parties"), by and through their counsel of record, hereby submit the following Joint Status Report regarding
6 their settlement efforts: The Parties have reached a settlement and executed a Memorandum of
7 Understanding that will be further memorialized in a Joint Stipulation of Class Action Settlement. Under
8 the terms of the Parties' Memorandum of Understanding:

- 9 (1) The Named Plaintiffs have agreed to a general release of their individual claims;
10 (2) The Fraud Class claims will be subjected to a limited release; and
11 (3) The Sexual Exploitation Class claims will be dismissed without prejudice. The Notice to the
12 Class will inform that Class that the sexual exploitation claims are not being released or resolved
13 as part of this settlement but are being dismissed without prejudice, and that the statute of
14 limitations was tolled during the pendency of this suit and remains tolled until the Court grants
15 final approval and the time for an appeal has ceased.
16 (4) The Parties also reached agreement on several non-economic terms that will be further detailed
17 in the final settlement papers.

18 The Parties anticipate that they will file a motion for preliminary approval of the settlement with the
19 Court no later than March 15, 2021.

20 Based on the foregoing, the Parties respectfully request that all existing Orders be suspended pending
21 the filing of the preliminary approval with this Court.

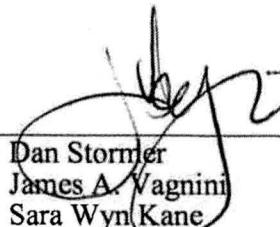
22
23 Dated: February 9, 2021

Respectfully Submitted,

HADSELL STORMER, RENICK & DAI LLP

VALLI KANE & VAGNINI LLP

26
27 By: _____



Dan Stormer
James A. Vagnini
Sara Wyn Kane

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Matthew L. Berman
Tanya Sukhija-Cohen
Monica Hincken
Attorneys for Plaintiffs

Dated: February 9, 2021

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PRODUCTIONS, LLC; RABBITBANDINI FILMS, LLC;
DARK RABBIT PRODUCTIONS, LLC;
RABBITBANDINI PRODUCTIONS STUDIO 4, LLC

Dated: February 9, 2021

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1 Matthew L. Berman
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4 Attorneys for Plaintiffs

5 Dated: February 9, 2021

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11 PRODUCTIONS, LLC; RABBITBANDINI FILMS, LLC;
12 DARK RABBIT PRODUCTIONS, LLC;
13 RABBITBANDINI PRODUCTIONS STUDIO 4, LLC

14 Dated: February 9, 2021

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15 TRESTER LLP

16 

17 By: _____

18 Jeffrey M. Lenkov

19 Tanya L. Prouty

20 Attorneys for Defendants JAY DAVIS and VINCE
21 JOLIVETTE

1 **PROOF OF SERVICE**

2 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not
3 a party to the within action; my business address is 128 N. Fair Oaks Avenue, Pasadena, California
91103.

4 On February 11, 2021, I served the foregoing document described as: **JOINT STATUS**
5 **REPORT** on the interested parties in this cause by placing true and correct copies thereof in envelopes
addressed as follows:

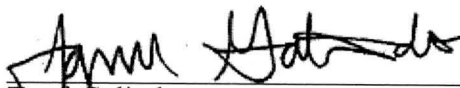
6 Debra E. Meppen, Esq, 7 Laurie DeYoung, Esq. 8 Gene F. Williams, Esq. 9 GORDON REES SCULLY MANSUKHANI, LLP 10 633 West Fifth Street, 52nd Floor 11 Los Angeles, CA 90071 12 Telephone: (213) 270-7831 13 Facsimile: (213) 680-4470 14 dmeppen@grsm.com 15 ldeyoung@grsm.com 16 gfwilliams@grsm.com	7 Attorneys for Defendants JAMES FRANCO, RABBITBANDINI PRODUCTIONS, RABBITBANDINI PRODUCTIONS, LLC, RABBITBANDINI FILMS, LLC, DARK RABBIT PRODUCTIONS, LLC, and RABBITBANDINI PRODUCTIONS STUDIO 4, LLC
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17 **XX VIA ELECTRONIC SERVICE**

18 In compliance with Code of Civil Procedure section 1010.6, my electronic business address is
19 tgalindo@hadsellstomer.com and I caused such document(s) to be electronically served through the
20 Case Anywhere system for the above-entitled case to the parties on the Service List maintained on Case
Anywhere's website for this case. The file transmission was reported as complete and a copy of the
Case Anywhere Receipt will be maintained with a copy of the manually filed document(s) in our office.

21 Executed on February 11, 2021, at Pasadena, California.

22 **XX** (State) I declare under penalty of perjury under the laws of the State of California that the above
23 is true and correct.

24 
25 Tami Galindo
26 Declarant

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