

EXHIBIT A

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JED and ALISA BEHAR, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NORTHROP GRUMMAN CORPORATION
AND NORTHROP GRUMMAN SYSTEMS
CORPORATION,

Defendants

Case No. 21-cv-03946-HDV-SK

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR APPROVAL OF
CLASS NOTICE**

Hearing:

Date: April 3, 2025

Time: 10:00 A.M.

Place: Courtroom 5B, 5th Floor

350 W. 1st Street

Los Angeles, CA 90012

Judge: Hon. Hernán D. Vera

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on April 3, 2025 at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 5B of the above-entitled Court, located at 350 West First Street, Los Angeles, CA 90012, before the Honorable Hernán D. Vera, Plaintiffs will move under Federal Rule of Civil Procedure 23 for approval of class notice.

This Motion is based on this Notice, the Memorandum of Points and Authorities in support of this Motion, the Declaration of Christie K. Reed, and concurrently lodged Proposed Order, and on such further evidence and argument that may be presented before or at the hearing of this Motion.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, which took place on or about late December, 2024 and/or January 20, 2025, and March 7, 2025.

DATED: March 11, 2025

/s/ William W. Cowles
William W. Cowles (*pro hac vice*)
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***Attorneys for Plaintiffs and Class
Members***

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I. INTRODUCTION

Class Representatives Jed and Alisa Behar (“Class Representatives”) seek approval of the form and manner of notice to the Class. Notice is required so Class Counsel may apprise Class members of this action and of their rights with respect to participation as required by Fed. R. Civ. P. 23(c)(3).

A. The Certified Classes

On July 1, 2024, the Court certified two Classes in this action pursuant to Rule 23(b)(3) (Doc. 175):

Property Damage Class: All persons who own a single family or townhome within the Class Area at the time of Class Certification, excluding Defendants’ employees and anyone who purchased a home with disclosure of contamination at their property from the 8020 Deering Avenue Site.

Mitigation Class: All persons who own a single family or townhome within the Class Area at the time of Class Certification, excluding Defendants’ employees and anyone who purchased a home with disclosure of contamination at their property from the 8020 Deering Avenue Site.

B. Class Representatives’ Notice Proposal

Class Representatives’ proposed form and manner of notice dissemination is supported by an experienced notice and claims administrator, Verita Global, LLC, which Class Counsel selected after a competitive bidding process.

As detailed in the supporting Declaration of Christie K. Reed, a Vice President of Legal Notification Services at Verita, courts have appointed Verita as notice, claims, and/or settlement administrator in large and complex settlement administrations of both private litigation and of actions brought by state and federal government regulators. *See* Declaration of Christie K. Reed, dated March 11, 2025, at ¶ 2–4. Additionally, Verita has successfully provided Court-approved notice and/or has been retained as the administrator in environmental and property damage matters, including *In Re Delta Air Lines, Inc.*, No. 2:20-cv-00786 (C.D. Cal.). *Id.* at ¶ 5.

The proposed Class Notice attached to the Reed Declaration as “Exhibit 1” provides all the information to the class members required by Rule 23(c)(2)(B), in language that is plain and easy to understand.

1 Class Counsel worked with Ms. Reed and her colleagues at Verita to develop the proposed manner
2 of dissemination to the Classes. The Class Notice and the manner of dissemination proposed here – direct
3 mail, media publication, and a dedicated website – meet the requirements of Rule 23 and due process. The
4 Court should approve Plaintiffs’ proposed class notice.

5 Verita can begin the notice process no later than 30-days from the date the Court enters an order
6 authorizing notice and will complete providing notice in approximately 30-60 days from when it begins.

7 **C. Efforts to Meet and Confer with Defendants**

8 On or about late December 2024 and/or January 20, 2025, Plaintiffs’ counsel conferred with
9 Defendants about the proposed motion for notice to the class. On February 28, 2025, Plaintiffs emailed a
10 draft of the Proposed Class Notice to Defendants. On March 7, the parties met and conferred about
11 proposed changes to the Notice. On March 10, the parties reached an agreement on the content of the
12 Notice.

13 **II. LEGAL STANDARD**

14 Rule 23(c)(2) provides the notice requirements for certified classes. Where a court certifies a class
15 under Rule 23(b)(3), “the court must direct to class members the best notice that is practicable under the
16 circumstances, including individual notice to all members who can be identified through reasonable
17 effort.” Fed. R. Civ. P. 23(c)(2)(B). The Rule also instructs that notice may be by “United States mail,
18 electronic means, or other appropriate means,” and “must clearly and concisely state in plain, easily
19 understood language”:

20 (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims,
21 issues, or defenses; (iv) that a class member may enter an appearance through an attorney
22 if the member so desires; (v) that the court will exclude from the class any member who
23 requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding
24 effect of a class judgment on members under Rule 23(c)(3).

25 *Id.*

26 In addition to Rule 23(c)(2)(B), class notice must also comply with constitutional due process
27 because class members are bound by the results of a certified Rule 23(b)(3) class action unless they opt
28 out. *Doe v. MindGeek USA Inc.*, 2024 WL 4405132, at *1 (C.D. Cal. Jan. 26, 2024) (citing *Phillips*

Petroleum Co. v. Shutts, 472 U.S. 797, 812 (1985), and *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 174 (1974)). “To meet the constitutional guarantee of procedural due process, notice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Roes, I–2 v. SFBSC Mgmt., LLC*, 944 F.3d 1035, 1045 (9th Cir. 2019).

III. ARGUMENT

A. The Proposed Class Notice Informs Class Members About this Class Action and their Rights

The proposed Class Notice satisfies all requirements of Rule 23(c)(2)(B). The Notice contains all information identified in Rule 23(c)(2)(B) and necessary to allow Class members to make informed decisions about participating in this litigation, describing Class Representatives’ claims in clear and simple language.

The proposed Class Notice states (i) the class definition, (ii) basic information about the case, (iii) the option for any Class member to opt-out and the procedure to do so, (iv) a statement that the judgment will be binding on Class members who do not opt-out, and (v) the right of any member who does not opt-out to appear in the case through his or her own lawyer. *McCurley v. Royal Seas Cruises, Inc.*, 2019 WL 3817970, at *4 (S.D. Cal. Aug. 14, 2019) (“The only relevant issue under Rule 23 is whether class notice contains the required information.”). In addition, the Notice will be provided in both English and Spanish since roughly 40% of the class area population is Hispanic. Reed Decl. at ¶ 8.

Moreover, the Notice provides sufficient basic information about the claims and the case without unnecessary arguments about the parties’ positions. As courts have recognized, “Rule 23 does not require class notice to identify all issues or defenses that have been or will be presented in a certified class action. The plain language of the Rule instead contemplates that identification of the claims at issue is itself sufficient for class notice.” *McCurley v. Royal Seas Cruises, Inc.*, 2019 WL 3817970, at *5 (S.D. Cal. Aug. 14, 2019).

The Notice also informs the Class Members of the 60-day opt-period. *MacDougall v. Am. Honda Motor Co., Inc.*, 2024 WL 3468759, at *7 (C.D. Cal. Mar. 8, 2024) (“The Court finds that the 60-day opt-

1 out period gives class members sufficient time to consider their options and is consistent with timelines
2 approved by other courts.”).

3 Thus, the Notice includes all required Rule 23 information. *Kendall v. Odonate Therapeutics, Inc.*,
4 2022 WL 188364, at *7 (S.D. Cal. Jan. 18, 2022); *McDonald v. Bass Pro Outdoor World, LLC*, 2014 WL
5 3867522, at *9 (S.D. Cal. Aug. 5, 2014) (approving class notice where the “proposed class notice describes
6 the litigation, the terms of the settlement, and each class members’ rights and options under the
7 settlement).

8 Moreover, based on the Parties’ meet-and-confer efforts, Plaintiffs understand that Defendants do
9 not object to the contents of the Notice. Accordingly, the proposed Class Notice satisfies the requirements
10 of the Federal Rules and due process.

11 **B. The Proposed Plan for Giving Notice is Reasonable and Appropriate**

12 Direct notice will be sent by first class U.S. mail to class members using the mailing addresses of
13 each property in the Class Area. Reed Decl. at ¶ 7–10. Courts routinely approve such direct notice.
14 *McCurley*, 2019 WL 3817970, at *2 (quoting *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173 (1974)
15 (“Direct individual notice ‘must be sent to all class members whose names and addresses may be
16 ascertained through reasonable effort.’”)); *see also Wolfert v. Transamerica Home First, Inc.*, 439 F.3d
17 165, 176 (2d Cir. 2006) (noting that notice through first-class mail “has regularly been upheld”); *In re*
18 *Integra Realty Resources, Inc.*, 262 F.3d 1089, 1109 (10th Cir. 2001) (same).

19 To ensure as many Class members receive mailed notice as reasonably possible, Verita will check
20 the lists of addresses it receives against U.S. Postal Service records to standardize and update addresses
21 pursuant to any recorded changes to those addresses. Reed Decl. at ¶ 7–10. Verita will also search for
22 forwarding addresses for any Postcard Notice that USPS returns as undeliverable and forward it to any
23 new address it locates. *Id.*

24 Second, to ensure that homeowners do not lack notice because notice only went to their tenants,
25 the Notice states that tenants should immediately forward the notice to their landlord or property owner.
26 Verita will also make efforts to research property owners to provide notice to avoid only non-class
27 member tenants from receiving notice. Reed Decl. at ¶ 7.

1 In addition, Publication Notice will be provided in various publication throughout Los Angeles as
2 well as targeted digital banners and newsfeed ads. *In re NFL Players' Concussion Injury Litig.*, 301 F.R.D.
3 191, 202–03 (E.D. Pa. 2014) (approving notice plan that included direct mailings supplemented by internet
4 and media notices); *In re California Micro Devices Corp. Securities Litig.*, 2001 WL 765146, at *1 (N.D.
5 Cal. 2001) (settlement notice through individual mailings, the Wall Street Journal and “broadcast to the
6 Internet”).

7 Specifically, Verita will cause a press release to be issued to media outlets throughout the state of
8 California via PR Newswire. Reed Decl. at ¶ 11–12. Verita will also cause the Summary Notice to be
9 published once each as an approximate quarter-page tabloid ad unit in the *Calabasas Enterprise*, *Valley*
10 *Vantage*, and *Warner Center News*. *Id.* at ¶ 13. The Summary Notice will be the first two pages of the
11 Notice with the website and/or QR code information along with the class area map and excluding the
12 portion advising that this is not solicitation, etc.

13 Both forms of notice will direct recipients to the class website that Verita will create and maintain.
14 *Id.* at ¶ 15. The website will provide contact information for the Administrator and Class Counsel along
15 with key filings, orders, and case updates. *Id.*, *McDonald*, 2014 WL 3867522, at *9 (approving class notice
16 with direct notice, publication and class website); *Kendall*, 2022 WL 188364, at *7 (same).

17 Finally, Verita will also set up and maintain a toll-free number for class members to call to obtain
18 information. Reed Decl. at ¶ 14.

19 IV. CONCLUSION

20 Plaintiffs respectfully request that the Court approve their proposed form and manner of Class
21 Notice.

22 Dated: March 11, 2025

/s/ William W. Cowles

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*Attorneys for the Plaintiffs and
Class Members*

CERTIFICATE OF SERVICE

1 I, William W. Cowles, an attorney, hereby certify that the **PLAINTIFFS' MOTION FOR APPROVAL**
2 **OF CLASS NOTICE** was served to counsel for the Defendants through the Court's ECF/CM system on
3 March 11, 2025.

4
5 By: /s/ William W. Cowles
6 William W. Cowles

7 *Attorneys for the Plaintiffs and the Class*
8 *Members*

9
10 **CERTIFICATE OF COMPLIANCE**

11 I, William W. Cowles, attorney for the Plaintiffs and the class members, hereby certify that this
12 memorandum of points and authorities does not exceed 25 pages, that the font is 12 point Times New
13 Roman, and that footnotes are no smaller than 10 point font. Thus, this motion complies with the limitation
14 requirement of the Civil Standing Order, Section IX.C., which overrides L.R. 11-6.1 as per instruction
15 from Wendy Hernandez on December 19, 2023.

16
17 By: /s/ William W. Cowles
18 William W. Cowles

19 *Attorneys for the Plaintiffs and the Class*
20 *Members*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JED and ALISA BEHAR, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NORTHROP GRUMMAN CORPORATION
and NORTHROP GRUMMAN SYSTEMS
CORPORATION,

Defendants.

Case No. 2:21-cv-03946-HDV-SKx

**DECLARATION OF CHRISTIE REED
RE: CLASS CERTIFICATION NOTICE
PROGRAM**

I, Christie K. Reed, declare as follows:

1. My name is Christie K. Reed. I have personal knowledge of the matters set forth herein and, if called as a witness, I could and would testify competently to them.

2. I am Vice President of Legal Notification Services for Verita Global, LLC (“Verita”) f/k/a KCC Class Action Services, LLC (“KCC”), a firm that provides comprehensive class action services, including claims administration, legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. Our experience includes many of the largest and most complex settlement administrations of both private litigation and of actions brought by state and federal government regulators. Verita has been retained to administer more than 10,000 class actions and distributed settlement payments totaling well over a trillion dollars in assets.

3. This declaration will describe Verita’s qualifications and experience, as well as detail the class certification notification program proposed for this case. The facts in this

1 declaration are based on my personal knowledge, as well as information provided to me by my
2 colleagues in the ordinary course of my business at Verita.

3 **BACKGROUND AND EXPERIENCE**

4 4. Verita has administered class action administrations for such defendants as HP-
5 Compaq, LensCrafters, United Parcel Service, Ford, Mitsubishi, Nissan, Whirlpool, ATI Video
6 Cards, and Twentieth Century Fox.

7 5. Additionally, Verita has successfully provided Court-approved notice and/or has
8 been retained as the administrator in a variety of environmental and property damage matters.
9 This includes the following:

- 10 A. *Baker v. Saint-Gobain Performance Plastics Corp.*, No. 1:16-cv-917 (N.D.N.Y);
11 B. *Burdick v. Tonoga, Inc.*, No. 00253835 (Rensselaer County S.C.);
12 C. *Dykehouse v. 3M Co.*, No. 1:18-cv-1225 (W.D. Mich.);
13 D. *Sullivan v. Saint-Gobain Performance Plastics Corp.*, No. 5:16-cv-125 (D. Vt.);
14 E. *Abarca v. and Hernandez v. Merck & Co., Inc.*, No. 1:07-cv-0388 (E.D. Cal.);
15 F. *Southern California Gas Leak Cases*, JCCP No. 4861 (L.A.S.C.);
16 G. *Acosta v. Shell Oil Co.*, NC05364 (L.A.S.C.);
17 H. *Mitsuoka v. Haseko Homes, Inc.*, No. 12-1-3020-11 (Haw.);
18 I. *Nishimura v. Gentry Homes, Ltd.*, No. 11-1-1522-07 (Haw. 1st Cir.);
19 J. *Giannavola v. PG&E Corp.* (Sonoma County S.C.t., filed September 16, 2021,
20 consolidated into *Lowen, et al. v. PG&E Corp.*, No. CGC-21-595242);
21 K. *In re: Thomas Fire & Debris Flow Cases*, No. JCCP 4965 (L.A.S.C.);
22 L. *In re: Southern California Gas Leak Cases*, No. JCCP 4861 (L.A.S.C.); and
23 M. *In Re Delta Air Lines, Inc.*, No. 2:20-cv-00786 (C.D. Cal.).

24 **NOTICE PROGRAM**

25 ***Class Definition***

26 6. I understand the Court certified the following (1) Mitigation Class, and (2)
27 Property Damage Class, each comprised of (Dkt. 175):

28 All persons who own a single family or townhome within the PCA at the time of
Class Certification.

Both classes exclude:

[E]mployees of Defendants as well as anyone who purchased a home with disclosure of contamination at their property from the 8020 Deering Avenue Site.

Individual Notice

7. It is my understanding that Plaintiffs hired a hydrogeologist to survey the area and identify the PCA properties exceeding the 1.2 µg/L TCE level in groundwater. Verita will obtain this information from Plaintiffs and use it to create a list of potential Class Members using a vendor (such as Pacific East and/or Lexis Nexis) to analyze the addresses provided. The vendor will be tasked to determine, to the best of its ability, the person(s) or entity who owns or owned that address as of July 1, 2024. This information will then be provided to Verita to use for notice purposes (the "Notice List").

8. Verita will send the Long Form Notice (in both English and Spanish) via the United States Postal Service (USPS) to all Class Members for whom a valid postal address is identified. The Proposed Long Form Class Notice is attached as Exhibit 1.

9. Prior to mailing, the addresses on the Notice List will be checked against the National Change of Address (NCOA)¹ database maintained by the USPS; certified via the Coding Accuracy Support System (CASS);² and verified through Delivery Point Validation (DPV).³

10. Notices returned by USPS as undeliverable will be re-mailed to any address available through postal service forwarding order information. For any returned mailing that does not contain an expired forwarding order with a new address indicated, further address searches may be conducted in an attempt to locate new addresses. If a new address is located, a notice will be mailed to it and the Notice List will be updated.

¹ The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person's name and last known address.

² Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

³ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

Publication Notice

11. In addition to the individual notice effort described above, Verita will implement a media campaign consisting of a press release and newspaper publication.

12. Verita will cause a press release to be issued to media outlets throughout the state of California via PR Newswire.

13. Verita will also cause the Summary Notice to be published once each as an approximate quarter-page tabloid ad unit in the *Calabasas Enterprise*, *Valley Vantage*, and *Warner Center News*.

Toll-Free Number

14. Verita will create and maintain a toll-free call center to handle bilingual Class Member inquiries. Class Members may call to receive additional information and request to have a Long Form Notice mailed to them. The toll-free telephone number will be provided in the mailed Notice and in the publication notices, as well as available on the case website.

Case Website

15. Verita will create and maintain a dedicated website for this case, that will be available in both English and Spanish. At this website, Class Members will be able to obtain additional information about the case and review key documents. For example, the website will include a copy of the Long Form Notice, operative Complaint, Defendants' Response to the Complaint, Class Certification Order, and Opt-Out Form. The case website address will be provided on the mailed Notice and publication notices

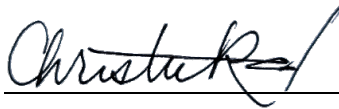
CONCLUSION

16. Verita estimates that, in implementing the individual notice methods described above, virtually the entire Class will receive notice. The individual notice efforts will be further supplemented by the proposed publication notice.

17. The Notice Plan proposed for this case provides the best notice practicable under the circumstances, is consistent with other effective court-approved certification notice programs and is designed to meet due process requirements.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 EXECUTED at Lakewood, California, this 11th day of March, 2025.
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7 Christie K. Reed
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