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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

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16 [Additional counsel listed in signature block]

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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **FOR THE COUNTY OF RIVERSIDE**

20 ) Case No. RICJCCP4940  
21 )  
22 ) **RENOVATE AMERICA FINANCE CASES** )  
23 ) **STIPULATION AND [PROPOSED]**  
24 ) **ORDER APPROVING BANKRUPTCY**  
25 ) **PAYMENT TO DEFENDANT AND**  
26 ) **RESETTING FINAL APPROVAL**  
27 ) **HEARING**  
28 )  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )  
Judge: Hon. Sunshine Sykes  
Dept.: 6

STIPULATION AND [PROPOSED] ORDER APPROVING BANKRUPTCY PAYMENT TO DEFENDANT AND RESETTING FINAL APPROVAL HEARING

1 Plaintiffs George Loya, Judith Loya, Shirley Petetan, Richard Ramos, and Michael  
2 Richardson (collectively, “Plaintiffs”), and the RAI/PEFI Liquidating Trust as successor-in-  
3 interest to and on behalf of defendant Renovate America, Inc.<sup>1</sup> (“Renovate” and, together, the  
4 “Parties”), by and through their counsel of record, stipulate as follows:

5 WHEREAS, on February 24, 2020, the Court granted preliminary approval to a class action  
6 settlement in this action and set a Final Approval Hearing for July 8, 2020;

7 WHEREAS, on or about March \_\_, 2020, pursuant to a March 26, 2020 modification to  
8 paragraph 2.01 of the First Amended Settlement Agreement, Renovate made an initial payment of  
9 \$1,700,000.00 to the Claims Administrator to be held in escrow (the “Escrow”);

10 WHEREAS, on July 8, 2020, July 15, 2020, and September 9, 2020, the Court heard  
11 argument from the parties and objectors, and the parties agreed to consider revising the release  
12 language and amending the notice in certain respects;

13 WHEREAS, on September 20, 2020, the Court: approved a Supplemental Notice Program;  
14 set new deadlines for objections, requests for exclusion, and supplemental briefing in support of  
15 the Motion for Final Approval of Class Action Settlement and Plaintiffs’ Motion for Award of  
16 Attorneys’ Fees, Reimbursement of Expenses and Class Representative Awards (together, the  
17 “Settlement Motions”); and continued the Final Approval Hearing to February 11, 2021;

18 WHEREAS, on October 22, 2020, the parties executed a Second Amended Settlement  
19 Agreement;

20 WHEREAS, on or about December 23, 2020, Defendant Renovate filed a Notice of Stay  
21 of Proceedings due to its filing of a voluntary petition for relief under chapter 11 of title 11 of the  
22 United States Code, 11 U.S.C. §§ 101-1532, *et seq.* in United States Bankruptcy Court for the  
23 District of Delaware (the “Bankruptcy Court”), Case No. 20-13172 (LSS) (the “Bankruptcy  
24 Action”);

25 WHEREAS, due to the automatic stay, the Final Approval Hearing was taken off calendar;

26  
27 <sup>1</sup> See *In re Renovate America, Inc.*, Case No. 20-13172 (LSS) (Bankr. D. Del. Sept. 24, 2021) [Docket  
28 No. 754] (order confirming debtors’ plan of reorganization).

1           WHEREAS, Plaintiffs filed in the Bankruptcy Action a class Proof of Claim on April 16,  
2 2021, and a Motion for Limited Relief from The Automatic Stay to Obtain Final Order Approving  
3 Prepetition Class Action Settlement with Debtor, Renovate America, Inc., Reserving Rights of All  
4 Interested Parties as to Issues in Controversy Under 11 U.S.C. § 541 on April 26, 2021 (the  
5 “Bankruptcy Motion”);

6           WHEREAS, on October 8, 2021, pursuant to an agreement between the Plaintiffs and the  
7 Defendants/Debtors-in-Possession, the Bankruptcy Court granted the Class Representatives’  
8 Motion and ordered that Plaintiffs “are granted leave to seek final order or orders from the  
9 Riverside, California Superior Court” in this action with respect to the Settlement Motions (the  
10 “Order”) (a copy of the Order is attached hereto as **Exhibit A**);

11           WHEREAS, as reflected in the Order, the Parties negotiated a compromise of the  
12 Bankruptcy Motion, which would allow the majority of the funds being held in Escrow to be paid  
13 to the Class, namely, the Parties agreed to: (1) a carveout of \$250,000 (the “Carveout”) to be  
14 remitted, subject to this Court’s approval, to Renovate or the Liquidating Trustee from the Escrow;  
15 (2) that the balance in the Escrow of \$1,450,000 shall be immediately available for distribution to  
16 the Class upon an order of this Court granting final approval to the settlement; and (3) Plaintiffs’  
17 Class Proof of Claim shall be deemed allowed in the amount of \$1,100,000.00 and shall receive  
18 the same treatment as Allowed Claims in Class 5A. *See Ex. A, ¶ 3.*

19           NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, by and  
20 through their respective attorneys of record, that:

21           1.       Plaintiffs shall cause the Claims Administrator to remit the Carveout of \$250,000  
22 to Renovate or the Liquidating Trustee from the Escrow, subject to this Court’s approval and  
23 within 5 days of entry of an order approving this Stipulation;

24           2.       The Parties request this Court to reset a Final Approval Hearing for February 3,  
25 2022, or as soon thereafter as the Court’s calendar will allow; and

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1           3.       Plaintiffs shall submit supplemental brief(s) in support of the Motions no later than  
2 10 court days prior to the Final Approval Hearing and post the briefs on the Settlement Website  
3 immediately thereafter.

4 DATED: November 16, 2021

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*Attorneys for Plaintiffs*

DATED: November 16, 2021

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**PROPOSED ORDER**

GOOD CAUSE APPEARING, the Court hereby approves the Stipulation and hereby Orders the following:

1. Plaintiffs shall cause the Claims Administrator to remit the Carveout of \$250,000 to Renovate or the Liquidating Trustee from the Escrow, within 5 days of entry of this order;
2. The Final Approval Hearing shall be held on February 3, <sup>2022</sup>~~2021~~ at 9am; and
3. Plaintiffs shall submit supplemental brief(s) in support of the Motions no later than 10 court days prior to the Final Approval Hearing and post the briefs on the Settlement Website immediately thereafter.

**IT IS SO ORDERED.**

DATED: 11/22, 2021

  
\_\_\_\_\_  
HON. SUNSHINE SYKES  
JUDGE OF THE SUPERIOR COURT

HERO:27777v7

# EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
RENOVATE AMERICA, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 20-13172 (LSS)
Debtors.	)	(Jointly Administered)
	)	<b>Related to Docket No. 423</b>
	)	

**AGREED ORDER ON MOTION FOR LIMITED RELIEF FROM THE  
AUTOMATIC STAY TO OBTAIN FINAL ORDER APPROVING  
PREPETITION CLASS ACTION SETTLEMENT WITH DEBTOR,  
RENOVATE AMERICA, INC., RESERVING RIGHTS OF ALL INTERESTED  
PARTIES AS TO ISSUES IN CONTROVERSY UNDER 11 U.S.C. § 541**

Upon the consideration of Creditors'/Class Representatives, George Loya, Judith Loya, Richard Ramos, Michael Richardson and Shirley Petetan (collectively, the "Creditors" or "Class Representatives") *Motion for Limited Relief from The Automatic Stay to Obtain Final Order Approving Prepetition Class Action Settlement with Debtor, Renovate America, Inc., Reserving Rights of All Interested Parties as to Issues in Controversy Under 11 U.S.C. § 541* (the "Motion"); good cause appearing for the relief requested in the Motion; and no further notice or hearing being necessary or required; and the Court having considered the Motion and any responses thereto, as well as arguments of counsel, if any, it is hereby ORDERED that:

1. The Motion is GRANTED as modified by this Order;
2. George Loya, Judith Loya, Richard Ramos, Michael Richardson and Shirley Petetan, as prepetition certified Class Representatives, are granted leave to seek a final order or orders from the Riverside, California Superior Court in the Class Action styled as *Renovate*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include Renovate America, Inc. (4352) and Personal Energy Finance, Inc. (8208). The Debtors' service address is 16870 W. Bernardo Dr., Suite 408, San Diego California 92127.

*America Finance Cases*, Case No. RICJCCP4940, further to the Riverside, California Court's February 25, 2020 Amended Order Preliminarily Approving Settlement, Preliminarily Approving Class for Settlement Purposes, and with Respect to Class Notice, (Setting) Final Approval Hearing, and Administration and the Riverside, California Court's September 29, 2020 Order Approving Supplemental Notice Plan (and) Continuing Final Approval Hearing (to February 11, 2021) [D.I. 423-2].

3. The Class Representatives and the Debtor, Renovate America, Inc., by virtue of the relief sought in the Motion and as incorporated into the Court's *Findings of Fact, Conclusions of Law, and Order Approving the Debtors Disclosure Statement For, and Confirming the Second Amended Combined Disclosure Statement and Joint Chapter 11 Plan of the Debtors Pursuant to Chapter 11 of the Bankruptcy Code (with Technical Modifications)* (the "Plan") [D.I. 754] (see Article IV, 4.2, Class 8 treatment) agree to the following distribution from the Loya Escrow (as defined in the Plan), as follows:

- a. The Loya Escrow Carveout (\$250,000) shall be remitted within 5 business days from entry of this Order to RAI or the Liquidating Trustee, as applicable, from the Loya Escrow, provided the Class Representatives have the authority to do so without seeking joint approval of the Riverside, California Court;
- b. The balance of the Loya Escrow (approximately \$1,450,000 million) shall be made immediately available for distribution to the Class in the Loya Class Action upon entry of an order by the Riverside, California Court finally approving the settlement; and,

- c. The Loya Class Action Proof of Claim shall be deemed Allowed in the amount of \$1,100,000.00 and shall receive the same treatment as Allowed Claims in Class 5A.
4. In the even there is a discrepancy between this Order and the Plan, the terms of the Plan shall control.

Dated: October 8th, 2021  
Wilmington, Delaware

  
LAURIE SELBER SILVERSTEIN  
UNITED STATES BANKRUPTCY JUDGE

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I, Alexandra Loutsenhizer, the undersigned, do declare as follows:

I am a resident of the County of San Diego; I am over the age of 18 years, and not a party to, or have any interest in, this legal action; my business address is 750 B Street, Suite 1820, San Diego, California 92101.

On November 16, 2021, I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER APPROVING  
BANKRUPTCY PAYMENT TO DEFENDANT AND RESETTING FINAL  
APPROVAL HEARING**

on the interested parties in this action identified on the attached service list in the manner identified below:

**\*SEE ATTACHED SERVICE LIST\***

**( ) VIA U.S. MAIL** – I enclosed a copy of the documents identified above in an envelope or envelopes and placed the envelope(s) for collection and mailing on the date and at the place shown above, following our ordinary business practices. I am readily familiar with this business’s practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope with postage prepaid.

**(XX) VIA ELECTRONIC MAIL** – Pursuant to an agreement among the parties, I served the above documents via email to the parties listed on the attached service list for whom I had email addresses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16th day of November 2021, at San Diego, California.

By:   
ALEXANDRA LOUTSENHIZER

HERO: 24087

IN RE: RENOVATE AMERICA FINANCE CASES

Service List – November 16, 2021

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IN RE: RENOVATE AMERICA FINANCE CASES

Service List – November 16, 2021

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