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22 *Co-Lead Counsel for Plaintiffs*

23 UNITED STATES DISTRICT COURT  
24 CENTRAL DISTRICT OF CALIFORNIA  
25 WESTERN DIVISION

26 IN RE BANC OF CALIFORNIA,  
27 INC. STOCKHOLDER  
28 DERIVATIVE LITIGATION

) Lead Case No. 8:19-cv-621-DMG-DFMx  
)  
) (Consolidated with Case Nos. 19-cv-  
) 1152 and 19-cv-05488)

29 This Document Relates To:  
30  
31 ALL ACTIONS.

) PLAINTIFFS' NOTICE OF MOTION  
) AND MOTION FOR FINAL APPROVAL  
) OF DERIVATIVE SETTLEMENT

) Date: December 17, 2021  
) Time: 10:00 a.m.  
) Judge: Hon. Dolly M. Gee  
) Ctrm: 8C, 8th Floor

1 **TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

2 PLEASE TAKE NOTICE that on December 17, 2021, at 10:00 a.m., or as soon  
3 thereafter as counsel may be heard, plaintiffs Kristopher Gordon ("Gordon") and Colleen  
4 Witmer ("Witmer" and collectively with Gordon, "Plaintiffs"), individually and  
5 derivatively on behalf of nominal defendant Banc of California, Inc., will move pursuant  
6 to Rule 23.1 of the Federal Rules of Civil Procedure ("Rule 23.1") before the Honorable  
7 Dolly M. Gee, U.S. District Judge, at the U.S. District Court, Central District of California,  
8 the United States District Court for the Central District of California, United States  
9 Courthouse, 350 West 1st Street, Courtroom 8C, 8th Floor, Los Angeles, California 90012,  
10 seeking an order granting final approval of the settlement of this case ("Settlement"), as set  
11 forth in the Amended Corrected Stipulation and Agreement of Settlement dated September  
12 27, 2021 ("Stipulation") (ECF No. 120). At the hearing, the Court will determine: (i)  
13 whether the terms of the Stipulation should be approved as fair, reasonable, and adequate;  
14 (ii) whether the Notice fully satisfied the requirements of Rule 23.1 and the requirements  
15 of due process; and (iii) whether all Released Claims against the Released Persons should  
16 be fully and finally released. During the hearing, the Court will also consider Plaintiffs'  
17 Application for Fees and Expenses, filed contemporaneously herewith.<sup>1</sup>

18 This Unopposed Motion is based on this Notice and Motion, the accompanying  
19 Memorandum of Points and Authorities, the Declarations of Willem F. Jonckheer, Ashley  
20 R. Rifkin, and Marshall P. Dees, the Court's record on this matter, and other evidence and  
21 argument that may be presented prior to the Court's decision on this Motion.

22  
23 DATED: October 29, 2021

ROBBINS LLP  
CRAIG W. SMITH  
ASHLEY R. RIFKIN

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/s/ Ashley R. Rifkin  
ASHLEY R. RIFKIN

<sup>1</sup> Unless otherwise noted, all capitalized terms used herein shall have the same meanings as set forth in the Stipulation.

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