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26 Attorneys for Plaintiff KENDALL OLIVER

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[PROPOSED] STIPULATED FINAL JUDGMENT

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

JAN 19 2017

BY Leanne M. Landeros  
LEANNE M. LANDEROS, DEPUTY

FAXED

KENDALL OLIVER,

Plaintiff,

v.

THE BARBERSHOP, R.C., INC.; RICHARD  
JAY HERNANDEZ, JR.; and BRANDEN  
MCREYNOLDS,

Defendants.

Case No. CIVDS1608233

**[PROPOSED] STIPULATED FINAL  
JUDGMENT**

Dept.: S28

Judge: Hon. Michael A. Sachs

Action Filed: May 25, 2016

1 Plaintiff Kendall Oliver ("Oliver") and Defendants The Barbershop, R.C., Inc. ("The  
2 Barbershop"), Richard Jay Hernandez ("Hernandez"), and Branden McReynolds ("McReynolds")  
3 (collectively, the "Parties"), by and through their respective counsel, hereby stipulate and agree as  
4 follows:

5 WHEREAS, on May 25, 2016, Oliver filed a complaint (the "Complaint") in *Oliver v. The*  
6 *Barbershop, R.C., Inc., et al.* (Super. Ct. San Bernardino County, 2016, No. CIVDS1608233) (the  
7 "action") against Defendants seeking injunctive relief, damages, attorneys' fees and costs, and a  
8 declaratory judgment that Defendants' actions violated California's Unruh Civil Rights Act  
9 ("Unruh Act"), California Civil Code § 51 *et seq.*;

10 WHEREAS, Defendants have been served with a copy of the Complaint and acknowledge  
11 that the Superior Court, County of San Bernardino, has personal jurisdiction over Defendants and  
12 jurisdiction with regard to the subject matter hereto;

13 WHEREAS, Oliver is a transgender individual whose gender identity does not match  
14 Oliver's sex assigned at birth;

15 WHEREAS, The Barbershop and Hernandez admit that, on or about March 8, 2016, they  
16 violated the Unruh Act by refusing service to Oliver and discriminating against Oliver on the basis  
17 of sex, which includes Oliver's actual or perceived gender, gender identity, and gender expression;

18 WHEREAS, the Parties agreed to and executed a Settlement Agreement and Mutual  
19 General Release ("Settlement Agreement") that represents a fair and reasonable resolution of the  
20 action;

21 WHEREAS, the Parties wish to resolve the action and all claims asserted therein without  
22 further litigation and, subject to the terms and conditions of the Parties' Settlement Agreement,

23 and as part of the settlement reached, consent to the entry of this Stipulated Final Judgment; and

24 WHEREAS, counsel for the Parties have the authority to enter into this stipulation to bind  
25 the Parties accordingly;

26 THE PARTIES HEREBY STIPULATE THAT IT BE ORDERED, ADJUDGED, AND  
27 DECREED that this Stipulated Final Judgment ("Judgment") be entered in this action as follows:  
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JURISDICTION

1. This action was brought under the laws of the State of California and this Court has jurisdiction over the subject matter hereof and the parties hereto.

2. Jurisdiction over this matter shall be retained by this Court pursuant to California Civil Procedure section 664.6 for the purpose of enabling any party to this Judgment to apply to the Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of this Judgment, and for the enforcement of compliance with and the remedying of any violations of the Judgment.

APPLICABILITY

3. All provisions of this Judgment are applicable to (i) The Barbershop, a California corporation doing business in Rancho Cucamonga, California, (ii) Hernandez, and (iii) McReynolds. The injunction provisions of this Judgment are also applicable to The Barbershop's corporate officers, corporate successors, and corporate assigns, as well as all Defendants' employees, agents, independent contractors, and any other individuals providing barbering services under Defendants' supervision or control.

4. Defendants shall provide actual notice of this Judgment within five (5) business days of its receipt to its employees, agents, independent contractors, and any other individuals providing barbering services under Defendants' supervision or control at the time of the Judgment.

5. The injunction provisions of this Judgment shall be effective as of February 1, 2017.

PERMANENT INJUNCTION

6. Defendants and all of those persons and entities to whom this permanent injunction applies pursuant to paragraph 3 of this Judgment, are enjoined and restrained from directly or indirectly refusing to provide full and equal accommodations, advantages, privileges, facilities, or services on the basis of sex; discriminating against actual or potential customers on the basis of sex; and maintaining business policies or practices that discriminate against actual or potential customers on the basis of sex. "Sex" includes an individual's actual or perceived gender, gender

1 identity, or gender expression, and shall have at least as broad a meaning as that contained in  
2 California Civil Code section 51(e)(5).

3  
4 **RELEASE**

5 7. This Judgment shall fully settle this action, and shall completely satisfy all of  
6 Plaintiff's claims against Defendants set forth in the Complaint. Each side shall bear its own  
7 attorneys' fees and costs.

8 8. Nothing herein precludes or affects Plaintiff's right to enforce the terms of this  
9 Judgment.

10 Dated: 1/13/17

Respectfully submitted,

11  
12  
13 By: 

14 Peter C. Renn  
15 Susan L. Sommer (*pro hac vice*)  
16 LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.

17 Katherine M. Forster  
18 Jennifer L. Bryant  
MUNGER, TOLLES & OLSON LLP

19 Attorneys for Plaintiff KENDALL OLIVER

20  
21 Dated: 1/4/17

22 By: 

23 Michael J. Pepper,  
24 PACIFIC JUSTICE INSTITUTE

25 Attorney for Defendants THE BARBERSHOP  
26 R.C., INC. RICHARD JAY HERNANDEZ, JR.,  
BRANDEN MCREYNOLDS

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

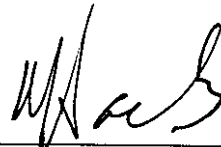
2 Plaintiff shall have judgment against Defendants as set forth in Parties' Stipulated Final  
3 Judgment. The Clerk of this Court is ordered to enter this Judgment, and to provide notice to  
4 Plaintiff through counsel.

5 IT IS SO ORDERED, ADJUDGED, AND DECREED.

6  
7 DATED:

1/19/17

JAN 19 2017



Hon. Michael A. Sachs

MICHAEL A. SACHS

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am  
4 employed in the County of Los Angeles, State of California. My business address is 355 South  
Grand Avenue, Thirty-Fifth Floor, Los Angeles, CA 90071-1560.

5 On January 13, 2017, I served true copies of the following document(s) described as

6 **[PROPOSED] STIPULATED FINAL JUDGMENT**

7 on the interested parties in this action as follows:

8 Michael Peffer  
9 Trinity Law School  
2200 North Grand Avenue  
10 Santa Ana, CA 92705

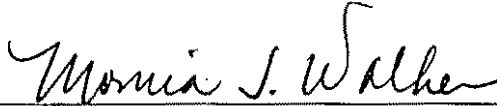
Telephone: 800-922-4748  
Facsimile: 714-796-7182  
Email: [peffer4god@gmail.com](mailto:peffer4god@gmail.com)

11  **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to  
12 the persons at the addresses listed in the Service List and placed the envelope for collection and  
13 mailing, following our ordinary business practices. I am readily familiar with the firm's practice  
for collecting and processing correspondence for mailing. On the same day that the  
correspondence is placed for collection and mailing, it is deposited in the ordinary course of  
business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

14  **BY FAX TRANSMISSION:** I faxed a copy of the document(s) to the persons at the  
15 fax numbers listed in the Service List. I sent this transmission at 2:30 p.m. The telephone  
16 number of the sending facsimile machine was (213) 687-3702. No error was reported by the fax  
17 machine that I used.

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

20 Executed on January 13, 21017, at Los Angeles, California.

21   
22 \_\_\_\_\_  
23 Monica J. Walker  
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