

**LINK:**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Amended – CIVIL MINUTES - GENERAL**

Case No.	CV 13-02823 GAF (VBKx)	Date	October 8, 2014
Title	Payam Ahdoot v. Babolat VS North America		

Present: The Honorable	<b>GARY ALLEN FEES</b>		
Stephen Montes Kerr	None	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:		
None	None		

**Proceedings: (In Chambers)**

**ORDER RE: MODIFYING PRELIMINARY SETTLEMENT APPROVAL**

Plaintiffs who brought this suit on behalf of class members (“Settlement Class Members”) and Defendant Babolat (“Babolat”), (collectively “Parties”) reached settlement in this suit. (See Docket No. 43-2 [Declaration of Christopher J. Hamner (“Hamner Decl.”)] at Exhibit 1 [Stipulation and Agreement of Settlement (“Settlement Agreement”).] The Court asked for and the Parties provided further briefing regarding the issues of attorneys’ fees and details regarding Rust Consulting, Inc., the proposed Settlement Administrator. (Docket No. 52 [Supplemental Briefing (“Supplemental Briefing”)] at 13.)

On October 7, 2014, this Court entered an Order preliminarily approving the settlement approval between the Parties based on the Settlement Agreement and the Supplemental Briefing. (Docket No. 54 [10/7/14 Order].) The 10/7/14 Order contained the following inadvertent errors: (1) inadvertently omitting an order enjoining Settlement Class Members from commencing or continuing any action asserting any claims encompassed by the Settlement Agreement unless the Class Member submits a valid Request for Exclusions, with the exception of Plaintiffs’ filing the Second Amended Complaint, proceedings related to final approval of the Settlement and consideration of Class Counsel’s Fee and Cost Application; (2) inadvertently omitting an order issuing an immediate stay of the Action, with the exception of proceedings relating to the Settlement Agreement; (3) incorrectly directing Rust Consulting, Inc. to mail the Notice of Settlement and Share Forms by first class mail to members of the Settlement Class instead of directing it to comply with its duties as set out in the Settlement Agreement and Supplemental Briefing; (4) incorrectly setting the Final Approval Hearing for Monday, November 10, 2014, at 9:30 a.m.

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Accordingly, the 10/7/14 Order is **MODIFIED** as follows:

(1) The Settlement Class Members are **ENJOINED** from commencing or continuing any action asserting any claims encompassed by the Settlement Agreement unless the Class Member submits a valid Request for Exclusions, with the exception of Plaintiffs' filing the Second Amended Complaint, proceedings related to final approval of the Settlement and consideration of Class Counsel's Fee and Cost Application;

(2) An immediate stay of the Action, with the exception of proceedings relating to the Settlement Agreement is **ISSUED**;

(3) Rust Consulting, Inc.'s duties as Settlement Administrator are **VACATED** as described in the section (8) of the Conclusion of the 10/7/14 Order;

(4) Rust Consulting, Inc. is **ORDERED** to conduct its Settlement Administrator duties in accordance with the Settlement Agreement, the Notice of Settlement and all portions of the 10/7/14 Order, except section (8) of the Conclusion; and

(5) The Final Approval Hearing date originally set for November 10, 2014 is **CONTINUED to Monday, April 6, 2015 at 9:30 a.m.**

**IT IS SO ORDERED.**