UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

No. C 03-2522 MHP

In re: CORNERSTONE PROPANE PARTNERS L.P. SECURITIES LITIGATION

ORDER DENYING MOTION TO INTERVENE

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In closing out this case, the court learned that on September 7, 2010, several individuals had moved to intervene to "Enforce Consent Decree" and that no action had been taken on the motion. Even given the date that these movants filed their motion to intervene, their efforts are far too late. After notice, opportunity to object and a hearing was conducted, the consent decree in this matter was entered on June 19, 2009. The time within which to object or intervene had passed long before September 7, 2010. Indeed, the distribution of the settlement fund had been completed and, pursuant to the provisions of the decree, the remaining proceeds in the *cy pres* fund were distributed on March 1, 2011.

If movants were investor members of the class on whose behalf the settlement was obtained did not timely intervene or object before the decree was entered or did not submit a claim on or before June 11, 2009, as required by the class notice, they are not eligible to participate in the settlement and certainly their motion to intervene was wholly untimely.

Therefore,

IT IS HEREBY ORDERED that the motion to intervene referred to herein is DENIED. The Clerk of Court shall show that the motion at Doc. 272 is resolved and remove it from the list of pending motions.

Date: September 26, 2011

MARILYN HALL PATEL
District Court Judge