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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY "RAE" ELLIS, et al.,  
  
Plaintiffs,  
  
v.  
  
COSTCO WHOLESALE CORPORATION  
  
Defendant.

) Case No. C04 3341 EMC  
)  
) **(PROPOSED) ORDER REGARDING**  
) **LATE OPT-OUTS**  
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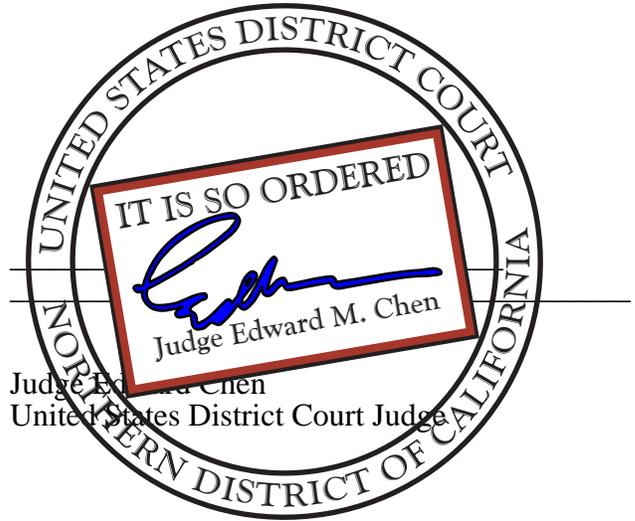
1. Pursuant to this Court’s order, notice was sent to the class on December 27, 2012. Order Approving Class Notice and Notice Plan (docket No. 700).
2. The deadline for class members to submit a request for exclusion (or “opt-out”) was February 11, 2013.
3. The parties notified the Court at the March 21, 2013 Case Management Conference that the claims administrator had received twelve (12) class members requests for exclusion after the February 11, 2013 deadline.
4. This Court has authority to allow tardy requests for exclusion where the delinquency is not substantial or no prejudice will result. Manual for Complex Litigation, Fourth, § 21.321 (2004), *citing Silber v. Mabon*, 18 F.3d 1449, 1455 (9th Cir. 1994).
5. The Court finds that exclusion requests submitted through March 21 were not substantially late and that no prejudice will result from allowing them.

GOOD CAUSE APPEARING, the Court orders:

1. The following class members are excluded from the class:
  - Silvia Communale
  - Karie Mutchler
  - Tamara Phillis
  - Denise Morgan
  - Katherine Smith
  - Jackie Gibbs
  - Jill Jordan
  - Tiffany Fuentes
  - Cameron Lynch
  - Lori Kraemer
  - Marcy Redick
  - Laura Trejo
2. In the event that any class member submits a request for exclusion to the Claims Administrator after March 21, 2013, it will be considered untimely absent an individual showing of good cause to the Court.

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IT IS SO ORDERED.



Dated:

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