

1 Bruce L. Simon (SBN 96241)
 2 PEARSON, SIMON, SOTER, WARSHAW & PENNY LLP
 3 44 Montgomery Street, Suite 1430
 4 San Francisco, CA 94104
 5 Telephone: (415) 433-9000
 6 Facsimile: (415) 433-9008
 7 Email: bsimon@psswplaw.com

8 Geoffrey Spellberg (SBN 121079)
 9 MEYERS, NAVE, RIBACK, SILVER & WILSON
 10 575 Market Street, Suite 2600
 11 San Francisco, CA 94105
 12 Telephone: (415) 421-3711
 13 Facsimile: (415) 421-3767
 14 Email: gspellberg@meyersnave.com

15 *Settlement Class Counsel and Counsel for Plaintiff*
 16 *Mike Mertaban, Dennis Warner, Charles Cleves, and Liz Hart*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ANDRÉ FLEURY, d/b/a SWISS WATCH
 CO., MIKE MERTABAN, d/b/a WATCH
 EXPERTS, DENNIS WARNER, and
 CHARLES CLEVES, on behalf of
 themselves and all other similarly situated
 watchmakers, and LIZ HART, on behalf of
 herself and all others similarly situated
 consumers,

Plaintiffs,

vs.

RICHEMONT NORTH AMERICA, INC.,

Defendant.

Case No. C05-04525 EMC

**STIPULATION AND [PROPOSED]
 ORDER RE SETTLEMENT OF
 OBJECTOR MARY MEYER'S
 APPEALS**

1 WHEREAS on July 3, 2008, this Court granted final approval of the class
2 settlement reached in this case;

3 WHEREAS on July 23, 2008, objector Mary Meyer filed a Notice of Appeal of the
4 Court's final approval order;

5 WHEREAS on August 6, 2008, this Court issued an order on Settlement Class
6 Counsel's motion for attorneys' fees;

7 WHEREAS on August 13, 2008, Meyer filed a Notice of Appeal of the Court's
8 attorneys' fee order;

9 WHEREAS on October 21, 2008, this Court issued an order requiring Meyer to
10 post a \$5,000 appeal bond, and Meyer has satisfied the bond requirement;

11 WHEREAS on November 13, 2008, the Ninth Circuit Court of Appeals
12 consolidated Meyer's two appeals;

13 WHEREAS the settlement benefits cannot be distributed to class members until
14 resolution of all appeals;

15 WHEREAS the parties expect that resolution of Meyer's appeals through the
16 appellate process will take several months and possibly years;

17 WHEREAS Meyer's appeals were referred to the Ninth Circuit's Mediation
18 Program, and the parties have engaged in discussions with Circuit Mediator Ann Julius,
19 Esq.;

20 WHEREAS the parties have reached a settlement agreement that, if approved, will
21 resolve all pending appeals and allow the distribution of settlement benefits to class
22 members without the delay of continued litigation;

23 WHEREAS the proposed settlement of the appeals does not diminish the benefits of
24 the underlying class settlement to class members;

25 IT IS HEREBY STIPULATED by class representative Mike Mertaban, class
26 representative Dennis Warner, class representative Charles Cleves, class representative Liz
27 Hart, defendant Richemont North America, Inc., and objector Mary Meyer, by and through
28 their undersigned counsel, that the following settlement terms be approved:

- 1 1. In settlement of Meyer's appeals, defendant Richemont North America, Inc.
2 shall pay \$15,000 to Meyer's counsel – Frank Liuzzi, Esq. and Christopher
3 A. Bandas, Esq. – for legal fees and costs, which sum shall be separate from,
4 and shall not diminish, the amounts payable by defendant pursuant to the
5 November 21, 2007 Amended Stipulation of Settlement;
- 6 2. In settlement of Meyer's appeals, Settlement Class Counsel shall pay
7 \$40,000 to Meyer's counsel – Frank Liuzzi, Esq. and Christopher A. Bandas,
8 Esq. – for legal fees and costs, out of the attorneys' fees awarded by the
9 Court on August 6, 2008;
- 10 3. Upon approval by this Court of the parties' proposed settlement, Meyer shall
11 dismiss her consolidated appeals with prejudice and shall not appeal any
12 future attorneys' fee order issued in this case; and
- 13 4. The appeal bond posted by Meyer may be withdrawn and cancelled upon this
14 Court's approval of this settlement.

15 SO STIPULATED.

16
17 Dated: December 4, 2008

18 By: 

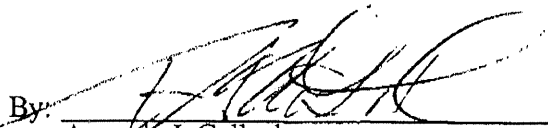
Bruce L. Simon *CLIPBOARD PEARSON*
PEARSON, SIMON, SOTER, WARSHAW &
PENNY, LLP
44 Montgomery Street, Suite 1430
San Francisco, CA 94104

19
20 Geoffrey Spellberg
21 MEYERS NAVE RIBACK SILVER &
22 WILSON
23 575 Market Street, Suite 2600
24 San Francisco, CA 94105

25 *Settlement Class Counsel and Counsel for*
26 *Plaintiffs Mike Mertaban, Dennis Warner,*
27 *Charles Cleves, and Liz Hart*
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Dated: December 4, 2008

By: 

Amanda J. Gallagher
Thomas A. McGrath III
LINKLATERS LLP
1345 Avenue of the Americas
New York, NY 10105

Dirk M. Schenkkan
Jerome B. Falk, Jr.
HOWARD RICE NEMEROVSKI CANADY
FALK & RABIN
THREE Embarcadero Center, 7th Floor
San Francisco, CA 94111-4024

Edward N. Moss
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017

*Counsel for Defendant Richemont North
America, Inc.*

Dated: December 4, 2008

By: 

Frank Liuzzi
LIUZZI, MURPHY & SOLOMON, LLP
101 Montgomery Street, 27th Floor
San Francisco, CA 94104

Christopher A. Bandas
BANDAS LAW FIRM, P.C.
500 North Shoreline, Suite 1020
Corpus Christi, TX 78471

Counsel for Objector / Appellant Mary Meyer

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~~[PROPOSED]~~ ORDER

Good cause appearing, the settlement of objector Mary Meyer's appeals is hereby approved.

SO ORDERED.

DATED: December 8, 2008

