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24 **Corporation; Polo Retail, LLC; Polo Ralph Lauren**
25 **Corporation, doing business in California as Polo**
26 **Retail Corporation; and Fashions Outlet of America,**
27 **Inc.**

18 **UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA**

19 ANN OTSUKA, et al.

20 Plaintiffs,

21 v.

22 POLO RALPH LAUREN CORPORATION, a
23 Delaware Corporation; et al.,

24 Defendants.

Case No. C07-02780 SI

**STIPULATION AND [PROPOSED]
ORDER RE MINOR DEFICIENCIES IN
SUBMITTED CLAIMS**

Place: Courtroom 10 (19th Floor)
450 Golden Gate Avenue, San Francisco, CA

Judge: Hon. Susan Illston

1 The settlement agreement in this case provides that Class Members must include certain
2 information on their timely-filed claim forms to be considered valid. The agreement states that
3 Settlement Class Members must sign and date the claim form and provide, *inter alia*, their
4 current telephone number.

5 The Court-approved Claims Administrator, Rosenthal & Company, notified the parties
6 that it has received 14 claim forms that are signed, but undated, and/or that do not include a
7 current telephone number. Rosenthal & Company estimates that it likely will receive around
8 120 such deficient claim forms before the claim submittal period closes on July 12, 2010.

9 Request for Relief

10 The parties seek an order excusing the Claims Administrator from sending deficiency
11 notices to those Settlement Class Members who submit timely claims, but who: (1) sign, but
12 do not date, their claim forms; and/or (2) do not provide a telephone number. Under the terms
13 of this stipulation and proposed order, such Settlement Class Members will be treated as having
14 complied with the claims submission process and will be entitled to their share of the
15 settlement proceeds.

16 This relief is necessary and reasonable because:

17 1. If deficiency notices were mailed to those Settlement Class Members
18 who signed but did not date their claim forms, and/or did not include their telephone number,
19 Class Counsel and Rosenthal & Company anticipate that some number of them either will not
20 receive or review the deficiency notice, and/or will fail to return a new claim form in a timely
21 manner. In such cases, the Settlement Class Members would not be eligible to receive their
22 share of the settlement. The parties agree such a result would be unfair.

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1 2. These minor claim form deficiencies do not impact the Claims Administrator's
2 ability to evaluate and process valid claims. The Claims Administrator can determine from the
3 postmarks on claim forms, or from the date the claim forms are received by Rosenthal &
4 Company, whether the claims are timely submitted. The signature date on the forms does not
5 have an impact on the evaluation process, nor does the absence of a telephone number.

6 **IT IS SO STIPULATED,**

7
8 DATED: June 22, 2010

THE LAW OFFICE OF PATRICK R. KITCHIN

9 By: /s/ Patrick R. Kitchin

PATRICK R. KITCHIN

10 Attorneys for Janis Keefe, Corinne Phipps
11 and Renee Davis and the Certified Class

12 DATED: June 22, 2010

GREENBERG TRAURIG, LLP

13
14 By: /s/ William J. Goines

WILLIAM J. GOINES

CINDY HAMILTON

15 Attorneys for Attorneys for Defendants
16 Polo Ralph Lauren Corporation; Polo
17 Retail, LLC; Polo Ralph Lauren
18 Corporation, doing business in California
19 as Polo Retail Corporation; and Fashions
20 Outlet of America, Inc.

21 **IT IS SO ORDERED,**

22 DATED: _____



23 Honorable Susan Illston

24 Judge, United States District Court