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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CREATE-A-CARD INC., AGSJ, INC., and
PHILANTHROPIC FOCUS, LLC, on
behalf of themselves and all others
similarly situated,

No. C 07-06452 WHA

Plaintiffs,

**ORDER RE MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

v.

INTUIT, INC.,

Defendant.

Following the September 18 hearing on the parties’ motion for preliminary approval of class action settlement, the parties submitted a proposed order granting preliminary approval of the proposed class action settlement and scheduling the final fairness hearing (Dkt. No. 46). The parties subsequently indicated that they had received new information affecting the settlement and would submit a revised proposed settlement agreement. The revised agreement has been submitted (Dkt. No. 48–49).

The Court will preliminarily approve the proposed settlement agreement with the following minor changes. *First*, paragraph 10.7.1.1 of the agreement states that any class members wishing to object to the settlement agreement must do so in writing and such written statement must be filed with the Court and served on counsel and the parties no later than 14 days prior to the fairness hearing. Although the Court prefers that objections be made in writing, the Court will not require it and will hear objections at the fairness hearing absent such

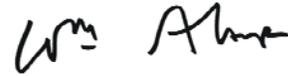
1 written objection. The agreement should indicate that class members wishing to object may do
2 so at the fairness hearing. *Second*, paragraph 10.8.4 of the agreement indicates that the ICA
3 shall make a final, binding determination on any disputed settlement claims. Determinations on
4 disputed claims should be subject to appeal to the District Court.

5 Counsel should resubmit the settlement agreement and proposed order granting
6 preliminary approval with these changes (or explain why they decline to do so). Counsel are
7 also instructed that, when the motion for attorney's fees is submitted, it should be accompanied
8 by a lodestar itemizing actual time expended.

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IT IS SO ORDERED.

Dated: November 20, 2008



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE