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

LORA AND CLAY WOLPH, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

ACER AMERICA CORPORATION, a
California corporation,

Defendant.

CASE NO. CV-09-01314 JSW

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' CLASS NOTICE PLAN**

1 The Court, having reviewed Plaintiffs Lora and Clay Wolph's ("Plaintiffs") Motion for
2 Approval of Class Notice Plan, the pleadings and other papers on file in this action, and the
3 statements of counsel and the parties, hereby finds that Plaintiffs' motion should be GRANTED.

4 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5 1. The class action notice program will be administered by Rust Consulting, Inc.
6 ("Notice Administrator").

7 2. The Court approves the form and content of the Postcard Notice, Publication
8 Notice, Email Notice, and Long Form Notice, which are attached as Exhibits 4-7 to the
9 Declaration of Shannon R. Wheatman, Ph.D. on Adequacy of Notices and Notice Plan
10 ("Wheatman Decl.").

11 3. The Notice Date shall commence no later than 30 days after the entry of this Order
12 ("Notice Date").

13 4. On or before the Notice Date, the Notice Administrator shall send the Email Notice
14 to each Class Member whose email address has been identified through Acer's records.

15 5. On or before thirty (30) days after the Notice Date, the Notice Administrator shall
16 send the Postcard Notice to each Class Member whose Email Notice is not delivered because the
17 address is no longer valid and has a valid address in Acer's records.

18 6. On or before the Notice Date, the Notice Administrator shall send the Postcard
19 Notice to each Class Member whose name or address appears in Acer's records without an email
20 address.

21 7. On or before ⁶⁰~~thirty (30)~~ days after the Notice Date, Postcard Notices that are
22 returned as non-deliverable will be re-mailed to any address indicated by the postal service in the
23 case of an expired automatic forwarding order. Notices returned as non-deliverable, but for which
24 a new address is not indicated by the postal service, will be further searched through Lexis-Nexis
25 to obtain a more current address. If any such address is found, the Notice will be re-mailed

26 8. On or before the Notice Date, the Publication Notice shall be published: (1) as a
27 2/5-page ad (5.25" x 6.75") in *Parade*; (2) as a half-page ad (3.375" x 10") in *Newsweek*; (3) as a
28 full page ad (7" x 10") in *People*; and (4) as a half-page ad (7" x 5") in *Popular Science*.

1 9. Commencing on or before the Notice Date, the Publication Notice shall be
2 published as a 1/6-page ad (5.78” x 5.75’) in the *San Francisco Examiner*, once a week for four
3 consecutive weeks.

4 10. Commencing on or before the Notice Date, the Notice Administrator shall initiate
5 Banner advisements in the form of Exhibit 3 to the Wheatman Decl. that will be appear on a
6 rotating basis on the 24/7 Network, AOL Advertising Network, and Yahoo! Network.

7 11. On or before the Notice Date, Plaintiffs’ counsel will issue a press release that sets
8 forth the terms of the Publication Notice that will be distributed by the Notice Administrator
9 utilizing the PR Newswire’s US1 Newswire.

10 12. On or before the Notice Date, the Notice Administrator shall prepare a case
11 website. The homepage of the case website shall contain a summary description of the lawsuit
12 that is substantially similar to the Publication Notice. The case website shall also contain a link to
13 the Long Form Notice.

14 13. On or before the Notice Date, the Notice Administrator shall also set up a toll-free
15 telephone number that a Class Member may call to obtain a copy of the Long Form Notice and
16 information regarding this lawsuit.

17 14. The class notice methods described herein shall provide Class Members until ⁹⁰~~sixty~~
18 ~~(60)~~ days after the Notice Date to opt out or exclude themselves from this class action lawsuit
19 (“Close of Notice Period”).

20 15. Any class member who does not, in connection with the notices, file a valid and
21 timely request for exclusion before the Close of the Notice Period will be bound by the Final
22 Judgment concluding the above-entitled action on the merits and with prejudice.

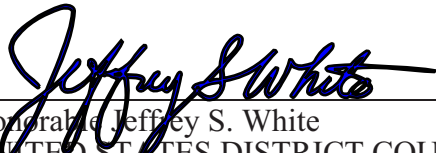
23 16. On or before ¹²⁰~~ninety (90)~~ days after the Notice Date, the Notice Administrator shall
24 file the list of Class Members who have opted out or excluded themselves from this class action
25 lawsuit with the Court.

26 17. The Court finds that the forms of notice to the Class Members regarding the
27 pendency of class action, and the methods of dissemination to the Class Members in accordance
28 with the terms of this Order, constitute valid, due, and sufficient notice to the Class Members

1 pursuant to Federal Rule of Civil Procedure 23, the United States Constitution, and any other
2 applicable law.

3 **IT IS SO ORDERED**

4 DATED: June 13, 2012

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8 Honorable Jeffrey S. White
9 UNITED STATES DISTRICT COURT
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