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

ANTHONY VENTURA, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

SONY COMPUTER ENTERTAINMENT
AMERICA INC.,

Defendant.

Case No. 10-cv-01811-RS

**[PROPOSED] ORDER (1)
CONSOLIDATING CASES, AND (2)
APPOINTING CHIMICLES & TIKELLIS
LLP AS INTERIM CO-LEAD CLASS
COUNSEL**

Date: July 15, 2010

Time: 1:30 p.m.

Courtroom: 3

The Honorable Richard Seeborg

JEFFREY HARPER and ZACHARY
KUMMER, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

SONY COMPUTER ENTERTAINMENT
AMERICA, INC.,

Defendant.

Case No. 10-cv-02197-RS

The Honorable Richard Seeborg

**[PROPOSED] ORDER (1) CONSOLIDATING CASES, AND (2) APPOINTING
CHIMICLES & TIKELLIS LLP AS INTERIM CO-LEAD CLASS COUNSEL
10-cv-01811-RS**

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This document also relates to:

TODD DENSMORE and ANTAL HERZ, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SONY COMPUTER ENTERTAINMENT AMERICA, INC., a Delaware corporation,

Defendant.

Case No. 10-cv-01945-RS
The Honorable Richard Seeborg

This document also relates to:

JASON BAKER, SEAN BOSQUETT, FRANK BACHMAN, PAUL GRAHAM, and PAUL VANNATA, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

SONY COMPUTER ENTERTAINMENT AMERICA, LLC successor to SONY COMPUTER ENTERTAINMENT AMERICA, INC.,

Defendant.

Case No. 10-cv-01897-RS
The Honorable Richard Seeborg

This document also relates to:

KEITH WRIGHT, on behalf of himself and all others similarly situated,

Plaintiff,

v.

SONY COMPUTER ENTERTAINMENT AMERICA, INC.; and SONY COMPUTER ENTERTAINMENT AMERICA, LLC.,

Defendants.

Case No. 10-cv-01975-RS
The Honorable Richard Seeborg

This document also relates to:
JONATHAN HUBER, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

v.

SONY COMPUTER ENTERTAINMENT
AMERICA, LLC, formerly SONY
COMPUTER ENTERTAINMENT
AMERICA, INC., a Delaware corporation,

Defendant.

Case No. 10-cv-02213-RS
The Honorable Richard Seeborg

On July 15, 2010, at 1:30 am, the Court heard the motion of Plaintiffs Harper and Kummer (“Plaintiffs”) for an order: (1) consolidating the above-captioned cases, and (2) appointing Chimicles & Tikellis LLP (“C&T”) as Interim Co-Lead Class Counsel. Having reviewed the parties’ papers and heard oral argument, and good cause appearing, the Court hereby GRANTS Plaintiffs’ motion.

IT IS HEREBY ORDERED:

1. The following cases are consolidated:
 - *Ventura v. Sony Computer Entertainment America, Inc.*, 3:10-cv-01811-RS;
 - *Densmore, et al. v. Sony Computer Entertainment America, Inc.*, 3:10-cv-01945-RS;
 - *Baker, et al. v. Sony Computer Entertainment America, LLC.*, 3:10-cv-01897-RS;
 - *Wright v. Sony Computer Entertainment America, Inc., et al.*, 3:10-cv-01975-RS;
 - *Harper, et al. v. Sony Computer Entertainment America, Inc.*, 3:10-cv-02197-RS; and

- *Huber v. Sony Computer Entertainment America, LLC.*, 4:10-cv-02213-RS.

The Court finds that these cases involve common questions of law and fact, pursuant to Fed. R. Civ. P. 42. All future filings shall bear Case No. 3:10-cv-01811 RS and caption: In re Sony PS3 “OS Feature” Litigation

2. Pursuant to Fed R. Civ. P. 23(g)(3), Chimicles & Tikellis LLP is hereby appointed Interim Co-Lead Class Counsel based on the following factors: (1) work in identifying and/or investigating potential claims in the action; (2) experience in handling class actions, other complex litigation, and claims of the type asserted in this action; (3) knowledge of the applicable law; and (4) resources the firm will commit to representing the class. Chimicles & Tikellis LLP shall have responsibility for and authority over the following matters on behalf of all plaintiffs in the Consolidated Action.

- a. Determining and presenting motions, briefs, oral argument or such other related items as may be appropriate, the position of all of the Plaintiffs as to all matters arising during all pretrial and trial proceedings;
- b. Conducting or coordinating discovery on behalf of the Plaintiffs consistent with the Federal Rules of Civil Procedure, including the preparation of joint interrogatories, requests for production of documents, requests for admissions and the examination of witnesses in deposition;
- c. Communicating with the Court;
- d. Communicating with defense counsel;
- e. Directing, supervising and monitoring the activities of Plaintiffs’ counsel and implementing procedures to ensure that schedules are met and unnecessary expenditures of time and funds by all counsel are avoided;
- f. Signing any consolidated complaint, motions, briefs, discovery requests or objections, subpoenas or notices on behalf of all Plaintiffs or those plaintiffs filing the particular papers;
- g. Conducting all pre-trial proceedings on behalf of all Plaintiffs;

- 1 h. Employing and consulting with experts;
- 2 i. Calling meetings of all Plaintiffs' counsel when appropriate;
- 3 j. Conducting settlement discussions with defense counsel on behalf of all
- 4 Plaintiffs and the putative class;
- 5 k. Informing all Plaintiffs' and Plaintiffs' counsel of the progress of this
- 6 litigation as necessary;
- 7 l. Making all work assignments to Plaintiffs' counsel in such a manner as to
- 8 promote the orderly and efficient prosecution of this litigation and to avoid
- 9 unnecessary duplication and unproductive efforts for all parties;
- 10 m. Ensuring that work assignments to all Plaintiffs' counsel are made in the best
- 11 interests of the Plaintiffs and the proposed class and are made on the basis of
- 12 qualifications and expertise of the persons assigned particular tasks or
- 13 responsibilities, counsel's knowledge of the law, facts and issues, efficiency
- 14 and cost-effectiveness;
- 15 n. Assessing Plaintiffs' counsel common litigation costs in proportion to the
- 16 work performed by counsel and to collect all assessments on a regular basis;
- 17 o. Collecting and reviewing time, lodestar and expense reports from each
- 18 Plaintiffs' Counsel, including paralegals and any other staff members; and
- 19 p. Otherwise coordinating the work of all Plaintiffs' counsel, and performing
- 20 such other duties as necessary or as authorized by further order of this Court.

21 **IT IS SO ORDERED.**

22
23 Dated: _____

The Honorable Richard Seeborg
United States District Judge