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 7 and the Plaintiff Class

8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 MELINDA CROUL, individually, and)
 on behalf of all others similarly)
 13 situated,)

14 Plaintiffs,)

15 vs.)

16 KOHL’S DEPARTMENT STORES,)
 INC., and DOES 1 through 100,)
 17 inclusive,)

18 Defendants.)

Case No. 3:10-CV-02304-JSW

CLASS ACTION

**AMENDED [~~PROPOSED~~] ORDER:
 (1) GRANTING PRELIMINARY APPROVAL
 OF THE CLASS ACTION SETTLEMENT
 AGREEMENT; (2) GRANTING
 CONDITIONAL CERTIFICATION OF THE
 SETTLEMENT CLASS; (3) APPOINTING
 CLASS COUNSEL; (4) APPOINTING CLASS
 REPRESENTATIVE; (5) APPOINTING
 CLAIMS ADMINISTRATOR; AND (6)
 APPROVING CLASS NOTICE PACKAGE
 AND TIMELINE FOR ADMINISTRATION**

Date: N/A
 Time: N/A
 Dept.: Courtroom 11, 19th Floor
 Judge: Honorable Jeffrey S. White

23
 24 The Court, having carefully considered the briefs, argument of counsel and all matters
 25 presented to the Court, and good cause appearing, hereby **ORDERS THAT**:

26 1. This Court preliminarily approves the Joint Stipulation of Settlement and Release
 27 Between Plaintiff, on Behalf of Herself, and all Others Similarly Situated, and Defendant Kohl’s
 28 Department Stores, Inc. (“Settlement”) and finds that the Settlement is within the “range of

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1 reasonably” as to the Settlement Class, and that it is the product of good faith, arm’s-length
2 negotiations between the parties.

3 2. The Court hereby conditionally certifies the proposed Settlement Class contained
4 therein and conditionally finds that, solely for the purposes of approving this settlement and for no
5 other purpose and with no other effect on this litigation, the proposed Settlement Class meets the
6 requirements for certification under Federal Rules of Civil Procedure, Rules 23(a) and 23(b),
7 including that: (a) the proposed class is ascertainable and so numerous that joinder of all members of
8 the class is impractical; (b) there are predominant questions of law or fact common to the proposed
9 class, and there is a well defined community of interest amongst the members of the proposed class
10 with respect to the subject matter of the litigation; (c) the claims of the Representative Plaintiff
11 Melinda Croul are typical of the claims of the members of the proposed class; (d) Representative
12 Plaintiff Melinda Croul and Class Counsel will fairly and adequately protect the interests of the
13 members of the class; (e) a class action is superior to other available methods for an efficient method
14 of adjudication of this controversy; and (f) Class Counsel is qualified to act as counsel for the
15 Representative Plaintiff in her individual and representative capacities

16 3. The Court provisionally finds Scott Cole & Associates, APC to be sufficiently
17 experienced and proficient in class action proceedings that they may act as Class Counsel and are,
18 therefore, appointed as such.

19 4. The Court provisionally appoints Representative Plaintiff Melinda Croul as Class
20 Representative.

21 5. The Court provisionally appoints CPT Group, Inc. as Claims Administrator.

22 6. Notice shall be provided to Settlement Class members as set forth in the Settlement.
23 Defendant will provide the Claims Administrator with the name, last known home address and social
24 security number of each and every person within the class definition. This data is within Defendant’s
25 employment records. An initial notice will be mailed within 20 calendar days of the Court granting
26 preliminary approval of the Settlement. The initial notice will consist of (1) a Notice of Pendency of
27 Class Action and Proposed Settlement (“Notice”) in the form attached to this Order as Exhibit “A,”
28 and (2) a Claim Form in the form attached to this Order as Exhibit “B” (collectively the “Class

1 Notice Package”). If the initial notice is returned undeliverable and there is no forwarding address, or
 2 the Claims Administrator discovers that a forwarding address is no longer valid, the Claims
 3 Administrator *shall* do a computer search for a new address using the Class Member’s social security
 4 number.

5 7. At least 35 calendar days prior to the Final Approval Hearing, Plaintiff will file a
 6 motion for final approval and judgment, for reimbursement of attorneys’ fees and litigation costs, for
 7 reimbursement of costs associated with the claims administration of this settlement, an enhancement
 8 award to the Representative Plaintiff for her service to the Class, as well as a declaration from the
 9 Claims Administrator showing its efforts to mail the Class Notice Package.

10 8. At least seven calendar days prior to the Final Approval Hearing, the parties shall file
 11 a response to any valid and timely Objections that are filed by Class Members.

12 9. The final approval hearing shall be held on November 16, 2012, at 9:00 a.m. at 450
 13 Golden Gate Avenue, in San Francisco, CA, in Courtroom 11 (19th floor) of this Court, to determine
 14 whether the proposed Settlement is fair, adequate, reasonable, and should be approved. Plaintiff’s
 15 papers in support of the Settlement, and any application for award of attorneys’ fees, costs, and
 16 expenses to Class Counsel, and any application for a service payment to the Representative Plaintiff,
 17 shall be filed with the Court on or before October 12, 2012. Should the proposed Settlement be
 18 approved, following the final approval hearing, the Court shall enter judgment in accordance with
 19 the Settlement that will adjudicate the rights of all Class Members who do not opt out, including the
 20 named Plaintiff.

21 10. Unless otherwise modified by the Court, the dates for performance are as follows:

Date/Triggering Event:	Event:
July 16, 2012	Court orders preliminary approval of Settlement and conditional certification of class.
[20 days after Preliminary Approval]: August 5, 2012	Deadline for Defendant to provide Claims Administrator with a database of the Class Members’ contact information.
[20 days after database provided]: August 25, 2012	Deadline for Claims Administrator to mail Class Notice Package.

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[60 days after Class Notice Package mailed]: October 24, 2012	Last day for Class Members to file claims, object to, or opt out of the Settlement via a written request for exclusion.
[75 days after Class Notice Package mailed]: November 8, 2012	Last Day for a Class Member to whom a second Class Notice Package was sent to file a claim, object to, or opt out of the Settlement via a written request for exclusion.
[35 days before Final Approval Hearing]: October 12, 2012	Last Day for counsel to file Motion for Final Approval

IT IS SO ORDERED.

Dated: July 18, 2012



 The Honorable Jeffrey S. White
 United States District Court Judge

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