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LINDSAY LAW CORPORATION
21 Natoma Street, Suite 160
Folsom, California 95630

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

CARLA BURDEWICK, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

KOHL'S DEPARTMENT STORES, INC., a
Delaware corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: 3:12-CV-00119 CRB

~~PROPOSED~~ FINAL ORDER AND
JUDGMENT

Date: January 11, 2013
Time: 10:00 a.m.
Place: 17th Floor, Courtroom 6
Judge: Hon. Charles R. Breyer

On January 11, 2013, this Court heard Plaintiff Carla Burdewick's unopposed motion for final approval of the class action settlement. This Court reviewed the motion and the supporting papers, including the Settlement Agreement and Release ("Agreement"), and heard the arguments of Counsel. No objections to the class action settlement were filed or presented to the Court by any Class Member. As such, based on the review of the settlement and the findings below, the Court found good cause to grant the motion.

FINDINGS:

1. The Agreement is fair, reasonable, and adequate.
2. The Parties adequately performed their obligations under the Agreement.
3. Defendant Kohl's ("Kohl's" or "Defendant") provided notice to Class Members in compliance with Paragraph 3.2 of the Agreement, and the notice satisfied due process and

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1 Rule 23(e) of the Federal Rules of Civil Procedure. The notice: (i) fully and accurately
2 informed Class Members about the lawsuit and settlement, (ii) provided sufficient information so
3 that Class Members were able to decide whether to accept the benefits offered, opt out and
4 pursue their own remedies, or object to the proposed settlement; (iii) provided procedures for
5 Class Members to file written objections to the proposed settlement; and (iv) provided the time,
6 date and place of the final fairness hearing.

7 4. An award to Class Counsel of \$215,000 for attorneys' fees, costs and expenses is
8 fair and reasonable in light of the nature of the case, work performed, Class Counsel's
9 experience, and the benefits obtained for the Class.

10 5. An incentive award to Plaintiff Carla Burdewick of \$7,500 is fair and reasonable
11 in light of Plaintiff's risks (including financial, professional, and emotional) in commencing this
12 action as the Class Representative, the time and effort spent by Plaintiff in litigating this action
13 as the Class Representative, and Plaintiff's public interest service.

14 **IT IS ORDERED THAT:**

15 1. **Class Members.** The Class Members are defined as: "All California Kohl's
16 customers who, from March 4, 2010 through the date the Preliminary Approval Order, conducted
17 a consumer credit card purchase transaction with Kohl's and from whom Kohl's requested and
18 recorded the customer's personal identification information in connection with the transaction."

19 2. **Binding Effect of Order.** This Order applies to all claims or causes of action
20 settled under the Agreement, and binds all Class Members, including those who did not properly
21 request exclusion under Paragraph 15 of the Preliminary Approval of Class Settlement and
22 Provisional Class Certification Order. No persons properly requested to be excluded from the
23 settlement.

24 3. **Release.** Plaintiff and all Class Members are: (1) deemed to have released and
25 discharged Defendant from all claims arising out of or asserted in this action and claims released
26 under the Agreement; and (2) barred and permanently enjoined from asserting, instituting, or
27 prosecuting, either directly or indirectly, these claims.

28 4. **Class Relief.** No later than sixty (60) calendar days after Final Judicial Approval,

1 the Settlement Administrator shall mail a gift card to each Class Member who submitted a valid
2 and timely claim form as provided in Paragraph 3.8 of the Agreement. The amount of each gift
3 card shall be \$650,000 divided by the total number of valid and timely claims received by the
4 Settlement Administrator.

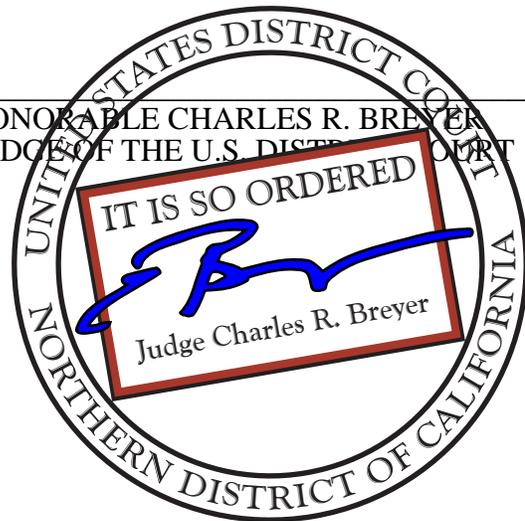
5 5. **Attorneys' Fees and Costs.** Class Counsel is awarded \$215,000. Defendant
6 must pay Class Counsel this amount according to the manner and timeline set forth in Paragraph
7 2.6 of the Agreement.

8 6. **Incentive Award.** Plaintiff Carla Burdewick is awarded \$7,500 as an incentive
9 award. Defendant must pay Plaintiff this amount according to the timeline set forth in Paragraph
10 2.5 of the Agreement.

11 7. **Court's Jurisdiction.** Pursuant to the Parties' request, the Court will retain
12 jurisdiction over this action and the Parties until final performance of the Agreement.

13
14 DATED: January 11, 2012

HONORABLE CHARLES R. BREYER
JUDGE OF THE U.S. DISTRICT COURT



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