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 8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10

11 CARLA BURDEWICK, on behalf of herself )  
 and all others similarly situated, )  
 12 )  
 Plaintiff, )  
 13 )  
 vs. )  
 14 )  
 KOHL'S DEPARTMENT STORES, INC., a )  
 15 Delaware corporation; and DOES 1 through 50, )  
 inclusive, )  
 16 )  
 Defendants. )

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

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**ORDER: PRELIMINARILY APPROVING THE CLASS ACTION SETTLEMENT; CERTIFYING A CLASS; DIRECTING THE ISSUANCE OF NOTICE TO THE CLASS; AND SCHEDULING A FAIRNESS HEARING**

Date: October 12, 2012  
 Time: 10:00 a.m.  
 Place: 17th Floor, Courtroom 6  
 Judge: Hon. Charles R. Breyer

19 The Motion of Plaintiff Carla Burdewick (herein referred to as "Plaintiff Burdewick"),  
 20 for an Order preliminarily approving a proposed Settlement of the above-entitled putative Class  
 21 Action came on for continued hearing on October 12, 2012. Having reviewed the Settlement  
 22 Agreement, the papers filed in support of and opposing the application and the argument of  
 23 counsel, and good cause appearing therefor subject to the entry by the Court of a Final Order,

**IT IS HEREBY ORDERED THAT:**

25 1. Plaintiff Burdewick's Motion for Preliminary Approval of Class Action  
 26 Settlement, Certification of a Settlement Class, and Approval of Class Notice is granted pursuant  
 27 to FRCP, Rule 23.

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1           2.       The Settlement Agreement is preliminarily approved as fair, reasonable and  
2 adequate.

3           3.       The Court hereby certifies, for settlement purposes, the following class: “All  
4 California Kohl’s customers who, from March 4, 2010 through the date the Preliminary  
5 Approval Order, conducted a consumer credit card purchase transaction with Kohl’s and from  
6 whom Kohl’s requested and recorded the customer’s personal identification information in  
7 connection with the transaction.”

8           4.       The Class is so numerous that joinder of all class members is impracticable; there  
9 are questions of law or fact common to the Class; and the claims advanced by the Plaintiff  
10 Burdewick are typical of the claims of the Class.

11          5.       The questions of law or fact common to the Class predominate over the questions  
12 affecting only individual class members.

13          6.       Certification of the Class by the Court is superior to other available methods for  
14 the fair and efficient adjudication of the controversy.

15          7.       Plaintiff Burdewick will fairly and adequately protect the interests of the Class  
16 and is conditionally certified as the representative of the Class for the purpose of implementing  
17 the Parties’ settlement in accordance with the Settlement Agreement.

18          8.       Lindsay Law Corporation is appointed as counsel for the Class.

19          9.       The Court finds that the manner and content of the Class Notice specified in  
20 Sections 3.2(a), 3.2(b) and 3.2(c) of the Settlement Agreement will provide the best practicable  
21 notice to the class members. The various forms of notice to the Class shall be provided within  
22 forty five (45) calendar days of entry of this Order.

23          10.       Defendant shall pay all costs associated with distributing the various forms of  
24 notice to the Class and administrating the settlement as provided in the Settlement Agreement.

25          11.       A Fairness Hearing shall be held by this Court on January 11, 2013 at 10:00 a.m.  
26 in Courtroom 6 to consider fully and finally determine whether the Settlement Agreement should  
27 be approved as fair, reasonable and adequate. The Fairness Hearing may be postponed,  
28 adjourned or continued by order of the Court without further notice to the Class.

1           12. Any papers in support of the Settlement Agreement may be filed with the Court  
2 seven (7) calendar days prior to the Fairness Hearing.

3           13. Any class member who wishes to object to the Settlement must file a written  
4 objection with the Court, and serve copies on Class Counsel and Defendant's Counsel, no later  
5 than thirty (30) calendar days prior to the Fairness Hearing. The objection must set forth, in clear  
6 and concise terms, the legal and factual arguments supporting the objection. Any class member  
7 who fails to make his or her objection in the manner provided for in this Order shall be deemed  
8 to have waived such objection and shall forever be foreclosed from making any objection to or  
9 appeal of the fairness, reasonableness, or adequacy of the Settlement.

10           14. Any class member who desires exclusion from the Class must mail a request for  
11 exclusion to the Settlement Administrator no later than thirty (30) calendar days prior to the  
12 Fairness Hearing. All persons who properly mail a request for exclusion shall not be bound by  
13 the Settlement and shall have no right with respect to the Settlement.

14           15. If the Settlement Agreement is approved at the Fairness Hearing, the Court shall  
15 enter a Final Order Approving the Settlement Agreement and Judgment. The Final Order shall  
16 be fully binding with respect to all class members who did not request exclusion in accordance  
17 with the terms of the Settlement Agreement.

18           16. In sum, the dates for performance are as follows:

19                   (a) Notice must be provided as soon as practicable upon Preliminary  
20 Approval of the settlement, but no later than forty five (45) calendar days after entry of this  
21 Preliminary Approval Order.

22                   (b) Any and all claims by class members must be received or postmarked no  
23 later than sixty (60) calendar days after the last published notice.

24                   (c) Objections to the settlement must be made no later than thirty (30) calendar  
25 days prior to the Fairness Hearing.

26                   (d) All class members who are eligible to request exclusion and desire to be  
27 excluded must contact the Settlement Administrator in writing no later than thirty (30) calendar  
28 days prior to the Fairness Hearing.

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(e) Any papers in support of Final Approval of the Settlement Agreement must be filed with the Court at least seven (7) calendar days prior to the Final Fairness Hearing.

(f) The Final Fairness Hearing is to be held on the 17th floor in courtroom 6 of this Court on January 11, 2013 at 10:00 a.m.

17. In the event that the Final Order is not entered for any reason, then the Settlement Agreement, as well as the findings contained herein, shall be deemed null and void *ab initio*.

DATED: October 25, 2012

HONORABLE CHIEF CLERK  
JUDGE OF

