

**United States District Court**

For the Northern District of California

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## 6 IN THE UNITED STATES DISTRICT COURT

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## FOR THE NORTHERN DISTRICT OF CALIFORNIA

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LAURIE EVERETT, a California resident,  
individually and on behalf of all others  
similarly situated,

No. C 13-02238 WHA

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Plaintiff,

**ORDER RE STIPULATION TO  
DISMISS ACTION**

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v.

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FUSIONSTORM, INC., a Delaware  
corporation; and DOES 1 to 100, inclusive,

Defendant.

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The Court has received the parties' stipulation and proposed order to dismiss this action subject to the settlement agreement with plaintiff and without prejudice to claims of the putative class (Dkt. No. 19). This matter involves a putative class action. From experience, the Court is concerned that the leverage of a potential class proceeding is being used to obtain a disproportionate settlement in plaintiff's or counsel's favor without any benefit to the putative class. The Court is further concerned that a settlement was negotiated in violation to the order and notice dated July 25, 2013 at paragraph ten (Dkt. No. 11).

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Before approval of the requested dismissal, counsel shall lodge a copy of the final written settlement agreement between the parties. Counsel shall also explain (1) whether plaintiff's counsel will receive any fees, expenses, or other compensation as a result of the settlement agreement; (2) why this settlement agreement was negotiated in violation of the order and notice;

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1 and (3) whether plaintiff's counsel are trying to dismiss this action in order to re-file the matter  
2 in a different jurisdiction. These explanations, as well as the copy of the settlement agreement,  
3 are due by **6:00 PM ON SEPTEMBER 25**. The parties should be prepared to discuss the above at  
4 the initial case management conference at **11:00 AM ON SEPTEMBER 26**.

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6 **IT IS SO ORDERED.**

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8 Dated: September 25, 2013.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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