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10 a Texas limited liability partnership

11 [Names and Addresses of Additional
12 Counsel Listed on Signature Pages]

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO**

16 4EC HOLDINGS, LLC, a Delaware limited liability
17 company,

18 Plaintiff,

19 vs.

20 LINEBARGER GOGGAN BLAIR & SAMPSON
21 LLP, a Texas limited liability partnership,

22 Defendant.

Case No. 3:14-cv-01944 VC
(Class Action)

**STIPULATED ORDER
CONCERNING PLAINTIFF'S
RENEWED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT
(DKT. NO. 73) AS MODIFIED BY
THE COURT**

Courtroom of the Honorable
Vince Chhabria, Courtroom 4

23 This stipulation is made between Plaintiff 4EC Holdings, LLC, a Delaware limited liability
24 company ("Plaintiff"), and Defendant Linebarger Goggan Blair & Sampson LLP, a Texas limited
25 liability partnership ("Defendant") (collectively, "the Parties"), through their respective attorneys of
26 record, and pertains to Plaintiff's pending Renewed Motion for Preliminary Approval of Class
27 Settlement (the "Renewed Motion"), which is calendared for hearing before the Court on August 20,
28 2015.

THE PARTIES AGREE AND STIPULATE AS FOLLOWS:

Following further good faith negotiations between the parties, the parties have agreed upon
an Amended Stipulation of Class Action Settlement and Release (the "Amended Stipulation"). The

1 Amended Stipulation, including its exhibits, is being filed with the Court concurrently with this
2 stipulation. The Amended Stipulation supersedes all prior stipulations concerning the terms of the
3 proposed Settlement of this action – specifically the stipulations filed with the Court on December
4 30, 2014; March 24, 2015 and July 10, 2015 (Dkts. 50, 65 & 76). Certain terms of the Amended
5 Stipulation differ from those to which the parties had agreed as of the time that Plaintiff filed its
6 Renewed Motion. In particular, the parties have eliminated the claims-made feature of the proposed
7 Settlement and have streamlined the settlement administration process to substantially reduce
8 administrative costs and eliminate the need for time-consuming and expensive claims processing.
9 The Settlement Fund will now be \$3.4 million, reflecting the non-contingent nature of the proposed
10 Settlement. Under terms of the proposed Settlement, at least \$2 million of that Settlement Fund will
11 be available for distribution to the Settlement Class, and monies that go unclaimed by the Settlement
12 Class and are not needed to pay costs of administration or any award of attorneys’ fees and expenses
13 to Class Counsel are to be donated to charity. Terms of the Amended Stipulation will be addressed
14 in greater detail in scheduled, upcoming briefing on the Renewed Motion.

15 Subject to the Court’s approval, the parties ask that the Amended Stipulation, being filed
16 concurrently with this Stipulation, now be considered as jointly proposed to the Court in the place
17 and stead of the settlement terms that had been agreed-upon as of the time Plaintiff filed the
18 Renewed Motion (as modified by the July 10, 2015 Stipulation), and that the Court consider
19 Plaintiff’s Renewed Motion as requesting preliminary approval of the proposed Settlement as set
20 forth in the Amended Stipulation. Defendant intends to file its papers supporting preliminary
21 approval and addressing the Amended Stipulation as currently scheduled, on July 23, 2015. Plaintiff
22 intends to file reply papers in further support of the Renewed Motion as currently scheduled, on July
23 30, 2015. The parties agree that the hearing on the Renewed Motion should proceed as scheduled,
24 on the Court’s regular law-and-motion calendar August 20, 2015.

25 **IT IS SO AGREED AND STIPULATED this 22nd DAY OF JULY.**

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PROPOSED ORDER AS MODIFIED

In light of these changes, the plaintiff must file a reply brief (which previously was optional). The reply brief must explain clearly how the terms of the stipulation have changed from when the plaintiff filed its opening brief in support of preliminary approval.

Pursuant to the Stipulation of the parties and upon good cause showing, **IT IS SO ORDERED.**

DATED: July 24, 2015



Honorable Vince Chhabria
United States District Judge