

1 Daniel Feinberg – CA Bar No. 135983
 Todd F. Jackson – CA Bar No. 202598
 2 Margaret E. Hasselman – CA Bar No. 228529
 Nina Wasow – CA Bar No. 202047
 3 Kirsten G. Scott – CA Bar No. 253464
 LEWIS, FEINBERG, LEE,
 4 RENAHER & JACKSON, P.C.
 1330 Broadway, Suite 1800
 5 Oakland, California 94612
 Telephone: (510) 839-6824
 6 Facsimile: (510) 839-7839
 Email: dfeinberg@lewisfeinberg.com
 7 Email: tjackson@lewisfeinberg.com
 Email: mhasselman@lewisfeinberg.com
 8 Email: nwasow@lewisfeinberg.com
 Email: kscott@lewisfeinberg.com

9 *Attorneys for Plaintiffs and the Class*
 10 (Additional counsel on signature page)

11
 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO AND OAKLAND DIVISION

15 THOMAS FERNANDEZ, LORA SMITH, and)
 TOSHA THOMAS, individually and on behalf)
 16 of a class of all other persons similarly situated,)

17 Plaintiffs,)
 18 vs.)

19 K-M INDUSTRIES HOLDING CO., INC.;)
 K-M INDUSTRIES HOLDING CO., INC.)
 20 ESOP PLAN COMMITTEE; WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 21 TRUST; TRUSTEES OF THE WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 22 TRUST; CIG ESOP PLAN COMMITTEE;)
 NORTH STAR TRUST COMPANY;)
 23 DESIREE B. MOORE REVOCABLE TRUST;)
 WILLIAM E. MOORE MARITAL TRUST;)
 24 WILLIAM E. MOORE GENERATION-)
 SKIPPING TRUST; and DESIREE MOORE,)
 25 BOTH IN HER INDIVIDUAL CAPACITY)
 AND AS TRUSTEE OF THE WILLIAM E.)
 26 AND DESIREE B. MOORE REVOCABLE)
 TRUST'S SUCCESSOR TRUSTS NAMED)
 27 ABOVE,)

28 Defendants.)

Case No. C-06-07339 CW

**STIPULATION AND ORDER SETTING
 SCHEDULE FOR CLASS ACTION
 SETTLEMENT APPROVAL**

1 WHEREAS, Plaintiffs and Defendant North Star Trust Company (“NSTC”) (collectively,
2 the “Parties”) have reached a settlement of the Class’s claims against NSTC in the above-titled
3 class action;

4 WHEREAS, the Parties wish to expeditiously obtain Court approval of the settlement;

5 NOW THEREFORE, THE PARTIES HEREBY STIPULATE and AGREE as follows:

- 6 1. Plaintiffs shall file a Motion for Preliminary Approval of the settlement on
7 December 17, 2009, with the hearing noticed for January 21, 2010;
- 8 2. If preliminary approval is granted, Notice of Settlement shall be mailed to class
9 members by the later of January 31, 2010 or 10 days after preliminary approval is granted;
- 10 3. The deadline for class members to object to the settlement shall be the later of 45
11 days after mailing of the Notice of Settlement or March 18, 2010;
- 12 4. Plaintiffs shall file a Motion for Final Approval of the settlement by March 18,
13 2010;
- 14 5. The final fairness hearing shall be held on April 22, 2010.

15 Dated: December 3, 2009

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

16 _____
17 /s/ Todd Jackson

18 By: Todd F. Jackson, Esq.
Attorneys for Plaintiffs

19 Dated: December 3, 2009

MORGAN, LEWIS & BOCKIUS LLP

20 _____
21 /s/ Nicole Diller

22 By: Nicole Diller, Esq.
Attorneys for Defendant North Star Trust Company

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT THAT THE MOTION**
24 **FOR PRELIMINARY APPROVAL WILL BE DECIDED ON THE PAPERS.**

25 12/14

26 Dated: _____, 2009



27 _____
28 Hon. Claudia Wilken, U.S. District Judge