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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GEOFFREY PECOVER and JEFFREY)
LAWRENCE, on behalf of themselves and a)
class of person similarly situated,)
)
Plaintiffs,)
)
v.)
)
ELECTRONIC ARTS INC., a Delaware)
Corporation,)
)
Defendant.)

No. 08-cv-02820 CW

STIPULATION AND ORDER
APPROVING CLASS NOTICE PLAN

ACTION FILED: June 5, 2008

1 WHEREAS on December 21, 2010, this Court issued an Order certifying a class pursuant
2 to Federal Rule of Civil Procedure 23(b)(3);

3 WHEREAS in the December 21, 2010 Order, this Court required the parties to meet and
4 confer, and file with the Court a draft notice within 60 days of the class certification order;

5 WHEREAS the parties have submitted a joint motion and agreed on the form, manner,
6 dates, and other matters related to providing notice of this class action to potential members of the
7 Class;

8 WHEREAS the proposed notice plan is also supported by the declaration of the proposed
9 notice administrators, Larkspur Design Group and Gilardi & Co., LLC, experienced notice
10 administrators;

11 WHEREAS the forms of the proposed Long Form Notice, Short Form Notice and Postcard
12 Notice are reflected in Exhibits B-C to the Declaration of Daniel Burke re Dissemination of Notice
13 to Class Members;

14 WHEREAS the parties have agreed that the “Triggering Date” for notice shall be the later
15 of this Court’s approval of the parties’ proposed notice and notice plan or the U.S. Court of
16 Appeals for the Ninth Circuit’s ruling on Defendant’s Federal Rule of Civil Procedure 23(f)
17 Petition;

18 WHEREAS Defendant will, no later than ten days from the Triggering Date, provide the
19 notice administrators with the available contact information of class members, including postal and
20 e-mail addresses;

21 WHEREAS Class Counsel will, no later than twenty days from the Triggering Date, cause
22 the content of the Short Form Notice to be sent via e-mail to those class members for whom an e-
23 mail address is available;

24 WHEREAS Class Counsel will, no later than twenty days from the Triggering Date, cause
25 summary notice to be published in an appropriate nationwide publication;

26 WHEREAS Class Counsel will, no later than twenty days from the Triggering Date, cause
27 the notice to be published on the Internet, according to the terms of the proposed plan;

1 WHEREAS Class Counsel will, no later than forty days from the Triggering Date, cause
2 postcards with the content of the Short Form Notice to be mailed on postcards to those class
3 members whose e-mail “bounced-back” and for whom it has postal addresses;

4 WHEREAS the deadline for class members to exclude themselves from the Class will be
5 within one hundred days of the Triggering Date;

6 WHEREAS Class Counsel will submit to the Court a list of class members seeking
7 exclusion from the class within 130 days of the Triggering Date.

8 NOW, THEREFORE, the Parties hereby stipulate that they agree to and will perform the
9 above-identified matters related to class notice.

10
11 DATED: February 18, 2011

HAGENS BERMAN SOBOL SHAPIRO LLP

12 By _____ /s/ Shana E. Scarlett
13 SHANA E. SCARLETT

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Class Counsel

29 DATED: February 18, 2011

LATHAM & WATKINS LLP

30 By _____ /s/ Timothy L. O’Mara
31 TIMOTHY L. O’MARA

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Attorneys for Defendant Electronic Arts, Inc.

I, Shana E. Scarlett, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER APPROVING CLASS NOTICE PLAN. In compliance with General Order 45, X.B., I hereby attest that Timothy L. O'Mara has concurred in this filing.

* * *

ORDER


Pursuant to the above stipulation and the joint motion submitted by the parties on February 18, 2011, including the supporting declaration of Daniel Burke, the Court finds that the proposed notice, which includes both a direct and indirect component, is the best notice that is practicable under the circumstances.

The Court further finds that the proposed forms of notice meet the standards of Federal Rule of Civil Procedure 23(c)(2)(B), as it clearly and concisely states in plain and easily understood language, the nature of the action, the definition of the class certified, the class claims, issues or defenses, that a class member may enter an appearance through an attorney if the member so desires, that the Court will exclude from the class any member who requests exclusion, the time and manner for requesting exclusion and the binding effect of a class judgment on members under Federal Rule of Civil Procedure 23(c)(3).

1 The proposed notice plan is approved, and the parties shall perform the above-identified
2 matters related to class notice.

3 IT IS SO ORDERED.

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5 DATED: 2/22/2011


6 HONORABLE CLAUDIA WILKEN
7 UNITED STATES DISTRICT COURT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Shana E. Scarlett
SHANA E. SCARLETT