

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEOFFREY PECOVER and ANDREW OWENS, on behalf of themselves and all other similarly situated,

No. C 08-2820 CW

Plaintiffs,

ORDER REGARDING PLAINTIFFS' PROPOSED MODIFIED DISTRIBUTION OF THE SETTLEMENT FUND

v.

ELECTRONIC ARTS, INC.,

Defendant.

United States District Court
For the Northern District of California

_____ /

Pursuant to the Court's direction, Plaintiffs have filed proposed modifications to the plan of distribution under the settlement agreement and Defendant has responded to Plaintiff's proposal. Objector Theodore H. Frank has also filed a brief addressing both parties' submissions.

Having considered the papers filed by the parties and Mr. Frank, the Court exercises its discretion under the settlement agreement to select the plan of distribution identified as option one in Plaintiffs' brief. That is, the plan of distribution will be modified to compensate class members who have submitted claims, and those who for whom the parties have identified names and associated physical addresses, using a three times multiplier for the damages alleged, and to send a settlement check automatically to seventh generation class members for whom the parties have a name and associated physical address in the amount of the average claim paid to seventh generation purchaser claimants, including the three times multiplier. The Court finds that this allocation of damages is within its discretion both under the settlement

1 agreement and the authority cited by Plaintiffs. The Court also
2 exercises its discretion under the agreement to approve the
3 parties' proposed modification to the cy pres provision and
4 directs that any residual settlement funds escheat to the federal
5 government, which is primarily in charge of enforcing the
6 antitrust laws of the United States.

7 The Court grants Plaintiffs' request that Gilardi & Co., LLC,
8 be allowed to continue providing notice and administering claims
9 in this case. The Court declines to require Class Counsel to
10 "reach out" to video game retailers or conduct the other search
11 efforts to locate physical addresses of class members proposed by
12 Mr. Frank, particularly in light of the fact that the parties
13 already have email addresses for ten million class members, who
14 will be provided with direct notice of the modified agreement and
15 can submit a claim form with their physical address if they so
16 choose.

17 The Court sets further dates as follows:

<u>Event</u>	<u>Date</u>
19 Deadline for Plaintiffs to e- 20 file, and submit in word 21 processing format to the Court's 22 proposed order email address, a draft of the supplemental notice, after receiving approval as to form from Defendant.	Tuesday, April 9, 2013
23 Last day for administrator to 24 provide supplemental notice to the class.	Monday, April 15, 2013
25 New close of claim period.	Wednesday, May 15, 2013

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Event</u>	<u>Date</u>
Deadline for Plaintiffs to submit a report regarding the claims and a revised proposed order regarding their motion for final approval, to address the revisions to the plan of distribution and the arguments raised by the objectors.	Monday, May 20, 2013

No further hearing on the motion for final approval is necessary.

IT IS SO ORDERED.

Dated: April 2, 2013



CLAUDIA WILKEN
United States District Judge