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Class Counsel

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

GEOFFREY PECOVER and ANDREW OWENS, 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 ~~PROPOSED~~ ORDER REGARDING LATE CLAIMS

ACTION FILED: June 5, 2008

1 Plaintiffs Geoffrey Pecover and Andrew Owens and Defendant Electronic Arts Inc. (“EA”)  
2 (collectively, “the Parties”), hereby stipulate as follows:

3 1. WHEREAS, as of August 29, 2013, the Settlement Administrator has received 249  
4 late claims;

5 2. WHEREAS, the value of the late claims does not exceed \$50,000;

6 3. WHEREAS, EA does not oppose permitting payment of late claims received as of  
7 August 29, 2013 as if timely made;

8 4. WHEREAS, sufficient funds remain in the Settlement Fund to pay late claims  
9 without any *pro rata* reductions to timely claims;

10 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through  
11 their respective counsel of record, that:

12 1. The Settlement Administrator shall be authorized to pay late claims received as of  
13 August 29, 2013 as if such claims were timely made. *See In re Valdez*, 289 Fed. Appx. 204, 206  
14 (9th Cir. 2008) (recognizing that the district court accepted a limited number of late-filed claims);  
15 *Lemus v. H&R Block Enters., LLC*, 2013 U.S. Dist. LEXIS 103037 (N.D. Cal. July 23, 2013) (“A  
16 district court has discretion to allow late claims to a settlement fund.”);

17 2. Payment of late claims received as of August 29, 2013 shall not constitute a waiver  
18 of, or in any other way affect, any rights, including but not limited to any and all releases, granted  
19 to EA and/or the Released Parties by the Court’s May 30, 2013 Final Judgment And Order Of  
20 Dismissal With Prejudice (Doc. # 465), the Settlement Agreement (Doc. # 381), or otherwise.

21 Plaintiffs’ undersigned counsel, Shana E. Scarlett, hereby attests that Timothy O’Mara,  
22 counsel for Defendant, concurs in the filing of this Stipulation, in accordance with Civil Local Rule  
23 5-1.

24 DATED: September 6, 2013

HAGENS BERMAN SOBOL SHAPIRO LLP

26 By \_\_\_\_\_ s/ Shana E. Scarlett  
27 SHANA E. SCARLETT

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Class Counsel

DATED: September 6, 2013

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Attorneys for Defendant Electronic Arts Inc.

**PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED THAT:**

1. The Settlement Administrator shall be authorized to pay late claims received as of August 29, 2013 as if such claims were timely made. *See In re Valdez*, 289 Fed. Appx. 204, 206 (9th Cir. 2008) (recognizing that the district court accepted a limited

1 number of late-filed claims); *Lemus v. H&R Block Enters., LLC*, 2013 U.S. Dist.  
2 LEXIS 103037 (N.D. Cal. July 23, 2013) (“A district court has discretion to allow  
3 late claims to a settlement fund.”);

- 4 2. Payment of late claims received as of August 29, 2013 shall not constitute a waiver  
5 of, or in any other way affect, any rights, including but not limited to any and all  
6 releases, granted to EA and/or the Released Parties by the Court’s May 30, 2013  
7 Final Judgment And Order Of Dismissal With Prejudice (Doc. # 465), the  
8 Settlement Agreement (Doc. # 381), or otherwise.

9  
10 IT IS SO ORDERED.

11 DATED: 9/10/2013

12   
13 HON. CLAUDIA WILKEN  
14 UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2013, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

s/ Shana E. Scarlett  
SHANA E. SCARLETT