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Class Counsel and Attorneys for Individual and  
 Representative Plaintiffs Curtis Berrien, Rose Huerta,  
 Tina Musharbash, Fern Prosnitz, Michael Andler,  
 Marcus Boness, Timothy Bonnell, Richard Buford,  
 Elaine Cefola, Kenneth Davis and Jerome Garoutte

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CURTIS BERRIEN; ROSE HUERTA; TINA	)	<b>Case No. CV 10-03125 CW</b>
MUSHARBASH; FERN PROSNITZ; MICHAEL	)	
ANDLER; MARCUS BONESS; TIMOTHY	)	
BONNELL; RICHARD BUFORD; ELAINE	)	<b>STATUS REPORT REGARDING</b>
CEFOLA; KENNETH DAVIS; JEROME	)	<b>SETTLEMENT AND [<del>PROPOSED</del>] ORDER</b>
GAROUTTE, on behalf of themselves and all	)	<b>SETTING BRIEFING AND HEARING</b>
others similarly situated,	)	<b>SCHEDULE FOR PRELIMINARY</b>
	)	<b>APPROVAL MOTION</b>
Plaintiffs,	)	
v.	)	<b><u>CLASS ACTION</u></b>
NEW RAINTREE RESORTS	)	
INTERNATIONAL, LLC; RVC MEMBERS,	)	
LLC; DOUGLAS Y. BECH	)	
	)	
Defendants.	)	

STATUS REPORT REGARDING SETTLEMENT AND [~~PROPOSED~~] ORDER SETTING  
 BRIEFING AND HEARING SCHEDULE FOR PRELIMINARY APPROVAL MOTION

1 In accordance with the Court's September 29, 2011 order, Plaintiffs and Class Representatives  
2 Curtis Berrien, Rose Huerta, Tina Musharbash, Fern Prosnitz, Michael Andler, Marcus Boness,  
3 Timothy Bonnell, Richard Buford, Elaine Cefola, Kenneth Davis and Jerome Garoutte ("Plaintiffs")  
4 and Defendants New Raintree Resorts International, LLC, RVC Members, LLC and Douglas Y. Bech  
5 ("Defendants") respectfully submit this report regarding the status of their proposed settlement of this  
6 action and formal settlement documentation and proposed briefing and hearing dates regarding a  
7 motion for preliminary settlement approval. *See* Dkt. No. 78.

8 Counsel for the Parties are continuing to make progress towards settlement and are currently  
9 drafting a formal settlement agreement, a proposed notice to the settlement class pursuant to Rule  
10 23(e)(1) of the Federal Rules of Civil Procedure and notice to government authorities pursuant to 28  
11 U.S.C. § 1715(b). The Parties and their counsel expect to reach final agreement on such documentation  
12 in the next several weeks. Plaintiffs plan thereafter to make a motion for preliminary settlement  
13 approval to the Court, which Defendants will not oppose.

14 The Parties propose that Plaintiffs file their unopposed motion for preliminary settlement  
15 approval no later than November 15, 2011 and that the motion be heard by the Court on November 29,  
16 2011. The Court has scheduled a case management conference for November 29, 2011. *See* Dkt.  
17 No. 78.

18 Dated: October 26, 2011

Respectfully submitted,

**GIRARD GIBBS LLP**

By: /s/ Jonathan K. Levine  
Jonathan K. Levine

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Boness, Timothy Bonnell, Richard Buford, Elaine Cefola,  
Kenneth Davis and Jerome Garoutte*

1 **LOOPER REED & MCGRAW P.C.**

2  
3 Dated: October 26, 2011

By: /s/ James J. Ormiston  
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*Attorneys for Defendants New Raintree Resorts  
International, LLC, RVC Members, LLC and Douglas Y.  
Bech*

15 **[PROPOSED] ORDER**

16 Plaintiffs shall file their unopposed motion for preliminary settlement approval and supporting  
17 documentation, including a proposed notice to the settlement class, no later than **November 15, 2011**.  
18 The motion shall be heard on **November 29, 2011 at 2:00 p.m.** The motion shall propose a schedule  
19 agreed upon by the Parties for providing notice of the proposed settlement to the settlement class and  
20 for briefing and hearing on a motion for final settlement approval pursuant to Rule 23(e) of the Federal  
21 Rules of Civil Procedure, if the proposed settlement is preliminarily approved by the Court. No case  
22 management statement need be filed by the Parties.

23 **IT IS SO ORDERED.**

24  
25 Date: 11/2/2011

26   
27 THE HON. CLAUDIA WILKEN  
28 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2  
3 I, Jonathan K. Levine, hereby certify that on October 26, 2011, I filed the following  
4 document(s):

5 **STATUS REPORT REGARDING SETTLEMENT AND [PROPOSED] ORDER SETTING**  
6 **BRIEFING AND HEARING SCHEDULE FOR PRELIMINARY APPROVAL MOTION**

7 By ECF (Electronic Case Filing): I e-filed the above-detailed document utilizing the United  
8 States District Court, Northern District of California's mandated ECF service on October 26, 2011.  
9 Counsel of record are required by the Court to be registered e-filers, and as such are automatically  
e-served with a copy of the document(s) upon confirmation of e-filing.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed at  
11 San Francisco, CA on October 26, 2011.

12 \_\_\_\_\_ */s/ Jonathan K. Levine*