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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

16 KEVIN MARTIN, DAVID NORRIS, FRANK)
 17 STONE, individually and on behalf of all other)
 similarly situated,)
 18 Plaintiffs,)
 19 v.)
 20 MERRILL LYNCH, PIERCE, FENNER &)
 SMITH, INCORPORATED, MERRILL)
 21 LYNCH & CO., INC., and DOES 1-20,)
 inclusive,)
 22 Defendants.)

No. 10-CV-04020 CW

**~~PROPOSED~~ ORDER GRANTING
 FINAL APPROVAL OF SETTLEMENT
 AND ATTORNEYS' FEES (NO. C 10-
 4020, DOCKET NOS. 76, 83; NO. C 11-
 1654, DOCKET NOS. 31, 38)**

23 JOHN KERR, individually and on behalf of all)
 other similarly situated,)
 24 Plaintiff,)

No. 11-CV-1654 CW

Date: November 17, 2011
 Time: 2:00 p.m.
 Judge: Hon. Claudia Wilken
 Place: Dept. 2

25 v.)
 26 MERRILL LYNCH & CO., INC., MERRILL)
 LYNCH, PIERCE, FENNER & SMITH,)
 27 INCORPORATED, and DOES 1-20, inclusive,)
 28 Defendants.)

Martin Complaint Filed: August 6, 2010
Kerr Complaint Filed: January 18, 2011

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Having considered the Joint Stipulation of Class Action Settlement and Release dated July 21, 2011 (No. C 10-4020, Dkt. 62; No. C. 11-1654, Dkt. 21) (the “Agreement”) and all other materials properly before the Court and having conducted an inquiry pursuant to Federal Rule of Civil Procedure 23, the Court finds that the Agreement was entered by all parties in good faith. The Court approves the Agreement, the present Settlement Amount of \$17,720,753.90, including an award of attorneys’ fees and costs for Class Counsel in the amount of \$4,000,000. The Court also approves the award of a \$10,000 enhancement payment to each of the four Class Representatives in the Litigation. The Court will simultaneously, or the Clerk of the Court shall, enter the Judgment. Defendants directly or through the Claims Administrator, shall timely deliver payments to the Settlement Class Members, the Class Representatives, and Class Counsel in accordance with the Agreement.

IT IS SO ORDERED.

DATED: November 22 , 2011



HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE