

1 LEWIS FEINBERG, LEE, RENAHER & JACKSON, P.C.
 2 TERESA S. RENAHER (Bar No. 187800)
 3 JEFFREY LEWIS (Bar No. 66587)
 4 CATHA WORTHMAN (Bar No. 230399)
 5 ANDREW LAH (Bar No. 234580)
 476 – 9th Street 94706
 Telephone: (510) 839-6824
 Facsimile: (510) 839-7839

6 RUKIN HYLAND DORIA & TINDALL LLP
 7 STEVEN M. TINDALL (Bar No. 187862)
 8 CAROLE VIGNE (Bar No. 251829)
 9 100 Pine Street, Suite 2150
 San Francisco, CA 94111
 Telephone: (415) 421-1800
 Facsimile: (415) 421-1700

Attorneys for PLAINTIFFS

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 THOMAS A. PAULSEN, *et al.*,

14 Plaintiffs,

15 vs.

16 CNF, INC., *et al.*,

17 Defendants.

CASE NO. C 03-03960 JW (PVT)

AMENDED JOINT PROPOSAL FOR
 DISSEMINATION OF CLASS
 NOTICE; [~~PROPOSED~~] ORDER
 THEREON

18 On October 7, 2010, this Court granted Plaintiffs' motion for class certification. The
 19 Court directed that on or before October 29, 2010, the parties file a proposed form of class notice
 20 and joint proposal for dissemination of the notice for approval by the Court; the parties did so. On
 21 November 4, 2010, the Court entered an order adopting the parties' Joint Proposal for
 22 Dissemination of Class Notice with several modifications. Accordingly, the parties jointly propose
 23 the following amended process for dissemination of the class notice:

24 1. Class Counsel has undertaken to obtain a list of the names and addresses of
 25 the class members from the Pension Benefit Guaranty Corporation ("PBGC"), taken from the
 26 PBGC's records. The names and addresses of the class members as produced by PBGC shall be
 27 designated as "Confidential" under the Protective Order previously entered in this case. Class
 28 Counsel will provide the names and addresses of the class members to the third-party notice

1 provider referenced in paragraph 2 and, subject to the PBGC's approval, shall provide the names
2 (but no addresses) of the class members to Defendant's counsel at the same time.

3 2. Class Counsel shall retain a third-party notice provider to send a copy of the
4 Court-approved notice to each class member via first-class U.S. mail at an address to be provided
5 by Class Counsel. The notice provider shall use reasonable means to check for correct addresses if
6 any of the notices are returned as undeliverable.

7 3. The notice shall be mailed within 21 days of the date (1) Class Counsel
8 receives the information from the PBGC or (2) after Court approval of the notice, whichever is
9 later. Prior to mailing the notice, the notice provider will run a check of the Class Members'
10 addresses against those on file with the U.S. Postal Service's National Change of Address List.
11 After the initial mailing, notices returned to the notice provider as non-delivered shall be re-sent to
12 the forwarding address, if any, on the returned envelope. If no return address is provided, or if the
13 notice returns a second time after being resent, the notice provider will use reasonable efforts
14 (including searching publicly available address databases) to find an updated address for the Class
15 Member and will send the Notice to the updated address.

16 4. The notice provider shall establish a web site,
17 www.CFCPlanClassAction.com, to make available to class members the following information: (1)
18 the Order granting class certification; (2) Plaintiffs' Fourth Amended and Supplemental
19 Complaints; (3) Defendant's Answer; and (4) the class notice. The web site shall require the use of
20 a password to allow access by class members, which password will be included in the class notice.
21 The use of a password will be reconsidered if there is significant difficulty in locating class
22 members.

23 5. The notice provider shall also establish a toll-free telephone number for class
24 members to call to request copies of the class notice or if they have any other questions. The notice
25 provider shall provide staff to answer the telephone, respond to ministerial matters such as requests
26 for copies of the class notice, and direct any substantive questions to Class Counsel.

27 5. Any requests for exclusion from class members shall be postmarked no later
28 than 45 days from the date the notice is mailed.

1 6. Paragraph 19 of the notice should list Towers Perrin's counsel's phone, fax
2 and email information in Paragraph 19 in the same format as Plaintiffs' counsel's information.

3 The proposed class notice is attached hereto.

4 Dated: November 11, 2010

Respectfully submitted,

5 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

6 By _____ /s/

7 Teresa S. Renaker
Attorneys for Plaintiffs and the Class

8 JEFFER, MANGELS, BUTLER & MITCHELL, LLP

9 By: _____ /s/

10 Susan Allison
Attorneys for Defendant Towers, Perrin, Forster & Crosby, Inc.

11
12 **SIGNATURE ATTESTATION**

13 I hereby attest that I have obtained concurrence in the filing of this document from
14 each signatory whose signature is indicated by a "conformed" signature (/S/) within this e-filed
15 document.

16 Dated: November 11, 2010

Respectfully submitted,

17 RUKIN HYLAND DORIA & TINDALL, LLP

18 By: _____ /s/

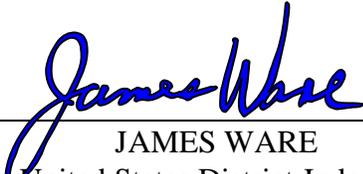
19 Carole Vigne
Attorneys for Plaintiffs and the Class

20
21 ~~PROPOSED~~ **ORDER**

22 The form of class notice attached to the foregoing joint proposal is hereby
23 APPROVED. Class Counsel shall disseminate the class notice as set forth in the foregoing joint
24 proposal.

25 IT IS SO ORDERED.

26 Dated: November 12, 2010

27 
28 JAMES WARE
United States District Judge