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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Thomas A. Paulsen, et al.,

NO. C 03-03960 JW

Plaintiffs,

ORDER FOLLOWING HEARING

v.

CNF, Inc., et al.,

Defendants.

On June 20, 2011, the Court conducted a hearing on the parties' Motion for Preliminary Approval of Class Action Settlement. (See Docket Item No. 329.) Counsel for both parties were present. At the hearing, the Pension Benefit Guarantee Corporation ("PBGC") informed the Court of its intent to file a motion for attorney fees. Both PBGC and the parties were unsure how the potential motion for attorney fees would impact the Settlement, if at all. In light of PBGC's ambivalence as to whether the motion would impact the Settlement, the Court stated on the record that it first intended to preliminarily approve the Settlement, and that it would only stay mailing of class notice should PBGC move for fees to be taken from the Settlement Fund.

Accordingly, as stated on the record at the hearing, the Court ORDERS as follows:

- (1) On or before **July 11, 2011**, PBGC shall file its Motion for Attorney Fees, if any. In its Motion, PBGC shall address: (a) from whom it is seeking fees and the legal basis; and (b) the timeliness of the motion and why no earlier motion was filed.

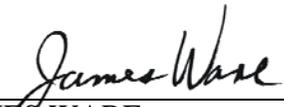
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(2) On or before **July 25, 2011**, the parties shall file any Oppositions.

(3) On or before **August 1, 2011**, PBGC shall file its Reply, if any.

Unless otherwise indicated by the Court, upon completion of the briefing, the Court will take the matter under submission for decision without oral argument. See Civ. L.R. 7-1(b).

Dated: June 21, 2011



JAMES WARE
United States District Chief Judge

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14 **Dated: June 21, 2011**

Richard W. Wieking, Clerk

15
16 **By: /s/ JW Chambers**
17 **Susan Imbriani**
18 **Courtroom Deputy**

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