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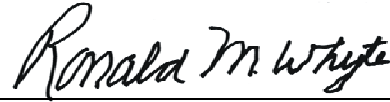
The court has reviewed the moving papers and considered the arguments of counsel, and is considering certification of the following classes:

Song-Beverly Class: All persons who purchased the PPP from Office Depot in California after October 12, 2004 and to whom the terms of the PPP were not made available for inspection prior to purchase.

Contract Class: All persons who purchased a PPP during the period from September 1, 2004 through August 31, 2006 and submitted a request for service under the plan.

The court requests comment from the parties regarding 1) whether the Song-Beverly class above satisfies Rule 23(b)(3)'s requirement that common questions of law and fact predominate; and 2) whether Sanbrook's claim is typical of those in the above Contract class. If they wish, the parties may also address other concerns they might have with the above class definitions. Both parties shall file their comments in letter form, not to exceed five pages of double-spaced argument text, by 5:00 p.m. on Wednesday, March 18, 2009.

DATED: 03/06/09



RONALD M. WHYTE
United States District Judge

