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 2 UNITED STATES DISTRICT COURT  
 3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 4 SAN JOSE DIVISION

5 MARY SANBROOK, on behalf of herself and all )  
 6 others similarly situated, ) Case No. C 07-05938 RMW (PVT)  
 7 )  
 8 Plaintiffs, ) Judge: Hon. Ronald M. Whyte  
 9 vs. )  
 10 OFFICE DEPOT, INC., )  
 11 Defendant. )  
 12 )

13 **ORDER APPROVING CLASS ACTION SETTLEMENT**

14  
 15 **WHEREAS** the parties to the above-captioned litigation (the “Litigation”), have moved pursuant  
 16 to Federal Rule of Civil Procedure 23(e) for an order approving the proposed settlement of the Litigation  
 17 in accordance with the parties’ Class Action Settlement Agreement dated February 1, 2010, as filed with  
 18 the Court (the “Settlement Agreement”), which (a) sets forth the terms and conditions for the proposed  
 19 settlement of the Litigation; (b) specifies a Settlement Class; and (c) provides for notice of the proposed  
 20 Settlement to potential members of the Settlement Class.  
 21

22 **WHEREAS**, the Court has considered the Settlement Agreement and accompanying documents;  
 23 and  
 24

25 **WHEREAS**, all parties have consented to the entry of this Order;

26 **IT IS HEREBY ORDERED THAT:**

27 1. The capitalized terms used in this Order have the same meaning as those defined in the  
 28 Settlement Agreement.

1           2.     The Court has reviewed the Settlement Agreement, and finds that the proposed  
2 Settlement is the product of informed, arm's-length negotiation by counsel and is otherwise fair,  
3 adequate, and reasonable. The parties shall perform all necessary actions to consummate the Settlement  
4 Agreement according to its terms.

5           3.     The Court finds that the form and manner of class notice (i) constituted reasonable and  
6 the best practicable notice; (ii) constituted notice that is reasonably calculated, under the circumstances,  
7 to apprise potential class members of the pendency of the Litigation, the terms of the proposed  
8 Settlement, the right to object to or exclude themselves from the proposed Settlement, and the right to  
9 appear at the Final Fairness Hearing; (iii) constituted due, adequate, and sufficient notice to all persons  
10 entitled to receive notice; and (iv) met the requirements of state and federal due process, the Federal  
11 Rules of Civil Procedure, and any other applicable state and/or federal laws;

12           4.     Members of the Settlement Class who opted out of the Settlement in accordance with the  
13 procedure set forth in the Settlement Agreement shall be excluded from the Settlement Class and will  
14 not be entitled to any benefit under the Settlement Agreement. A list of those Class Members who  
15 opted out of the Settlement is attached hereto as Exhibit A.

16           5.     All Members of the Settlement Class who have not opted out of the Settlement are hereby  
17 bound by the terms of the Settlement Agreement, including the release provisions and covenant not to  
18 sue. The release provisions set forth in paragraphs 19 through 25 of the Settlement Agreement are  
19 incorporated herein, and any claims or liabilities related to the Litigation, or any Released Claims, by  
20 Members of the Settlement Class against the Released Parties are forever barred.

21           6.     Judgment is hereby entered in accordance with the terms of the Settlement Agreement, to  
22 wit: (i) all individual and class claims asserted in the Litigation that relate to PPPs purchased before  
23 October 12, 2007 are hereby dismissed **with prejudice**, and the Court directs entry of final judgment as  
24

1 to these claims against based upon the Court's determination that there is no just reason for delay for the  
2 entry of such judgment; (ii) all individual and class claims asserted in the Litigation that relate to PPPs  
3 purchased on or after October 12, 2007 are hereby dismissed **without prejudice**; and (iii) no costs or  
4 fees shall be assessed on either party beyond the attorneys' fees and expenses and incentive award to the  
5 Named Plaintiff described in the settlement agreement.  
6

7 7. Without affecting the finality of this Judgment in any way, the Court shall retain  
8 jurisdiction of all matters relating to the interpretation, administration, implementation, and enforcement  
9 of this Settlement Agreement.

10 **SO ORDERED** this 23rd day of November, 2010.

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13 RONALD M. WHYTE  
14 United States District Judge  
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**Sanbrook v. Office Depot, Inc.**

Exhibit A: List of Opt Outs

count	Document Number	Name	Representative Name (if applicable)	City	State
1	1	LOUISE MARTINEZ		SACRAMENTO	CA
2	2	DORIS SENCENBAUGH		PALO ALTO	CA
3	3	ROBERTA STELFOX		DIAMOND SPGS	CA
4	4	D.I. CONSTRUCTION	MARY HAHN	VENTURA	CA
5	5	TARGET	VANESSA TOSCH	CASTLE ROCK	CO
6	6	IMAGINATIONS SIDE BY SIDE	MARIE DAWSON	FORT COLLINS	CO
7	7	CARMEL DUCA		LOS ANGELES	CA
8	8	CHRISTINE BLAYLOCK		SANTEE	CA
9	9	THE VILLAGES	NOREEN BETTEN	SAN JOSE	CA
10	10	PAUL BETTEN		SAN JOSE	CA
11	11	ARNOLD D KUSLER		PALM DESERT	CA
12	12	ELAINE CLEGG		SPRING VALLEY	CA
13	13	KATHY ABRAHAMS		SYLMAR	CA
14	14	SHAROL MULLICANE		GLENDORA	CA
15	15	JAMES ENGLESE		NEWARK	CA
16	16	ISABEL LOPEZ		OAKLAND	CA
17	17	FAITH CHENG		DANVILLE	CA
18	18	ORLA BROWN		LA MESA	CA
19	20	BETTY MCBRYDE		GLENDALE	CA
20	21	PHILIP HALABI		IRVINE	CA
21	22	RICHARD MANZER		PALM DESERT	CA
22	23	MERCEDITA TIMTIMAN		SAN DIEGO	CA
23	24	DIANE HOLMBERG		ORANGE	CA
24	25	JOSE RODRIGUEZ		LA HABRA	CA
25	26	JOSE FRANCO		HAWTHORNE	CA
26	27	CAROL MANDRA		CHULA VISTA	CA
27	28	BETTY LEONARD		BLOOMINGTON	IN
28	29	KRIS MARTIN		SAN MATEO	CA
29	30	AVENUE AUTO SERVICE	DENNIS DAMICO	SAN CARLOS	CA
30	31	KATHLEEN MEHRTEN		FRESNO	CA
31	32	LLOYD SHAFFER		SACRAMENTO	CA
32	33	FLORENCE PAGLIASSOTTI		HUNTINGTN BCH	CA
33	34	JOAN BUTLER		SACRAMENTO	CA
34	35	MICHIYO KAWACHI MD		BERKELEY	CA
35	36	CAROL LOWE		WESTLAKE VLG	CA
36	37	JANICE MC MILLAN		SAN DIEGO	CA
37	38	BEVERLY JOHNSON		LOS ANGELES	CA
38	39	JEAN HENDRICKS		BUCKEYE	AZ
39	40	LORENZO GONZALEZ		CHULA VISTA	CA
40	41	EVA OTTOSSON		RIDGEWOOD	NJ
41	42	SEA CLIFF COUNTRY CLUB	PATRICIA MSILI	HUNTINGTN BCH	CA
42	43	AUDREY FREUDBERG		LOS ANGELES	CA
43	44	GERALD FAWLEY		SEBRING	FL
44	45	GRISELDA PENA		CARSON	CA

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Exhibit A: List of Opt Outs

count	Document Number	Name	Representative Name (if applicable)	City	State
45	46	SAINT KIERAN	LYNN RICHARDSON	EL CAJON	CA
46	47	DEBBIE BAILEY		LA QUINTA	CA
47	48	ELSIE ELLSWORTH		YUBA CITY	CA
48	49	KATHY HART		PASADENA	CA
49	50	SHIRLEY M VALENTINI		SACRAMENTO	CA
50	51	NADINE CLAUSEN		ROSEVILLE	CA
51	52	MARIE CAIN		VISALIA	CA
52	53	WEST COAST AQUATICS	DEBRA JOHNSTON	THOUSAND OAKS	CA
53	54	MONIQUE ADAM		OAKLAND	CA
54	55	ROSTON COMPANY	CYNTHIA MAHER	ESCONDIDO	CA
55	56	TARRANT EDDIE		SPRING VALLEY	CA
56	57	BORDER PRO LOGISTICS	OSCAR MAYER	SAN DIEGO	CA
57	58	TERESA BAMBEO		LOS ANGELES	CA
58	59	JEANNETTE ANAYA		LOS ANGELES	CA
59	60	KATHY DE FEVER		COBB	CA
60	61	MARY JOHNSON		ELK GROVE	CA
61	62	ST. KIERAN SCHOOL	PATRICIA PROVO	EL CAJON	CA
62	63	THE SHELL GUY OF NEWPORT	TERRY BEATTIE	NEWPORT BEACH	CA
63	64	CLARICE BRIONES		LA PUENTE	CA
64	65	ROBERT BRANSON		LAKEWOOD	CA
65	66	SAMI KOUDMANI		SAN DIEGO	CA
66	67	MAURA MCLOUGHLIN		OAKLAND	CA
67	68	DONNA BRANSON		LAKEWOOD	CA
68	69	SAMIT PATEL		CORONA	CA
69	70	KAREN WILSON		MISSION HILLS	CA
70	71	LAVONNE STEWART		SOUTH SAN FRANCISCO	CA
71	72	LINDA GAGLIANI		LOS ALTOS	CA
72	73	SUZANNE MERRIMAN		SUN CITY	CA
73	74	RICHARD CHAO		HUNTINGTON BCH	CA
74	75	MARILYN FICHT		LOS ANGELES	CA
75	76	STANLEY A TURNER		MOUNTAIN VIEW	CA
76	77	PEGGY BLAVK		YUBA CITY	CA
77	78	HARRIS NOTARYS		LOS GATOS	CA
78	79	ANA CHIONG		SAN FRANCISCO	CA
79	80	BRYCE A NICHOLS		YUBA CITY	CA
80	81	SCOTT MILLER AND CHRYS MILLER		SALINAS	CA
81	82	ILENE SIROTA JEWELRY AND ACCES	ILENE SIROTA	SANTA ANA	CA
82	83	THELMA L DRIVER		LOS ANGELES	CA
83	84	AMIE BROZDA		SAN DIEGO	CA
84	85	KOEHL KASH AND INVESTMENTS LLC	RUDY KOEHL	ESCONDIDO	CA
85	86	U S FOREST SERVICE	MICHELLE SARUBBI	ALPINE	CA
86	87	THE ORINDA ASSOCIATION	KATE WILEY	ORINDA	CA
87	88	CAMILLE BOYD		LA MESA	CA
88	89	JOAN M PATSKY		BEAUMONT	CA

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count	Document Number	Name	Representative Name (if applicable)	City	State
89	90	PATTY ALLISON		FOUNTAIN VLY	CA
90	91	JEAN HENDRICKS		BUCKEYE	AZ
91	92	JOYLENE STEELE		VISALIA	CA
92	93	KIM ARENA		SAN GABRIEL	CA
93	94	SAM RO		LOS ANGELES	CA
94	95	VIOLETTE ELMGREN		VISTA	CA
95	96	MARY WALICKI		RCH CUCAMONGA	CA
96	97	JAY INDECK PLUMBING	JAY INDECK	RCH CUCAMONGA	CA
97	98	MARISSA CABICO		WALNUT	CA
98	99	BARBARA RYDER		MOUNTAIN VIEW	CA
99	100	MARY SHERIDAN		COTATI	CA
100	101	CHRISTINE WINDER		MOUNTAIN VIEW	CA
101	102	ALTHA MCCAW		ANDERSON	CA
102	103	JABIN L CANGO		SAN DIEGO	CA
103	104	JOHN DI SAIA		SAN CLEMENTE	CA
104	105	JOHN A SPINETTI		S SAN FRAN	CA
105	106	JACK MCLAUGHLIN		CRESCENT MILL	CA
106	107	STANISLAUS COUNTY LAW LIBRARY	JANICE MILLIKEN	MODESTO	CA
107	108	RUTH MATTOX		WEST COVINA	CA
108	109	LEONOR RINCON		SACRAMENTO	CA
109	110	CHRIS MORGAN		PETALUMA	CA
110	111	KATHI SALLEY		MORENO VALLEY	CA
111	112	LERNIK MALEKAGHAKHAN		GLENDALE	CA
112	113	KINDER MANAGEMENT CONSULTING	DEBORAH KINDER	REDLANDS	CA
113	114	CLUTTER FREE ORGANIZATIONAL SV	MICHELE ALEXANDRIA	SAN DIEGO	CA
114	115	CHRISTINE CORBETT		LA CRESCENTA	CA
115	116	AREELUCK PARNSOONTHORN		SAN DIEGO	CA
116	117	TERRY GLUSKOTER		HACIENDA HTS	CA
117	118	JANICE MORGAN GLUSKOTER		HACIENDA HTS	CA
118	119	REBECCA RODRIGUEZ		REDONDO BEACH	CA
119	120	GIS/GALVEZ INS. SERVICE	PAULINE GALVEZ	SAN CLEMENTE	CA
120	121	MANNY GALVEZ		SAN CLEMENTE	CA
121	122	WILLIAM SILMON		ARROYO GRANDE	CA
122	123	KARIANNE FLAATHEN		LOS ANGELES	CA
123	124	ROXANN HIGMAN		NEWPORT BEACH	CA
124	125	BERENICE CAVAZOS		SAN FRANCISCO	CA
125	126	JOY FILLIPPELLI		RCH CUCAMONGA	CA
126	127	ALL ONE COMMUNICATION	BARBARA FRANKLIN	SAN DIEGO	CA
127	128	SUSHI OF THE JAPANESE	TAKASHI OKUMOTO	SAN DIEGO	CA
128	129	ROBIN HAMMER		BURBANK	CA
129	130	JAAZIEL CASTRO		HIGHLAND	CA
130	131	SHIRLEY GRESHAM		MORENO VALLEY	CA
131	132	ERIC ARELLANO		LA VERNE	CA
132	133	GUADALUPE BAEZ		CHULA VISTA	CA

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count	Document Number	Name	Representative Name (if applicable)	City	State
133	134	MARY BRAUN		CONCORD	CA
134	135	ERICA RAMIREZ		NORWALK	CA
135	136	LESLIE DENTT		EL CAJON	CA
136	137	BARBARA MENDOZA		CARMICHAEL	CA
137	138	SHANNON LIANG		SAN FRANCISCO	CA
138	139	KATHRYN MARTIN		SACRAMENTO	CA
139	140	CLAUD TOWNSLEY INC., DBA: CENTRAL ROOFING CO.		GARDENA	CA
140	141	STEPHANIE FIERRO		ROSEMEAD	CA
141	142	JUDITH MUN		GARDEN GROVE	CA
142	143	CINDY CABRALES		GARDENA	CA
143	144	FRANCES OUELLETTE		LAKE FOREST	CA
144	145 and 146	STACEY KELLEHER		VALENCIA	CA
145	147	MARY SETO		PALO ALTO	CA
146	148	KATHY BRANNON		GIG HARBOR	WA
147	149	SARA FOX		SANTEE	CA
148	150	BEVERLY GILBEAU		PALOS VERDES PENINSU	CA
149	151	ZARINAH RAZA		TORRANCE	CA
150	152	LEONA SIADEK		NAPA	CA
151	153	PRIME RESIDENTIAL SALES	LARA RADOSAVCEV	WESTLAKE VLG	CA
152	154	NANCY WILKINSON		BELLFLOWER	CA