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

Kevin Embry,

NO. C 09-01808 JW

Plaintiff,

v.

**ORDER CLARIFYING THAT ALL
OBJECTIONS NOT SPECIFICALLY
ADDRESSED IN FINAL APPROVAL
ORDER ARE OVERRULED**

ACER America Corp.,

Defendant.

On February 14, 2012, the Court granted the parties' Motion for Final Approval of Class Action Settlement, and issued a Final Approval Order and Judgment.¹ In addition, because one objector to the class settlement had filed a motion to withdraw previous objectors and substitute himself as an objector, the Court issued an additional Order granting the objector's Motion for Substitution but overruling his objections on the merits.²

Subsequent to the Court's February 14 Approval Order, Plaintiffs sent a letter requesting clarification as to whether the Court considered those objections to the settlement not addressed by name in the Final Approval Order.³ Accordingly, the Court clarifies that all objections to the settlement were considered and overruled. Specifically, the only objections not addressed by name in the Court's Approval Order are those filed by class member Christopher Bandas. (See Docket

¹ (Final Approval Order and Judgment, hereafter, "Approval Order," Docket Item No. 218.)

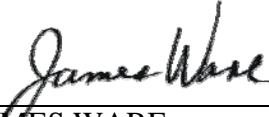
² (See Docket Item No. 217.)

³ (See Docket Item Nos. 219.)

1 Item No. 199.) Mr. Bandas' objections were not to the terms of the settlement itself, but only as to
2 the amount of attorney fees and the sufficiency of the evidence submitted in support of class
3 counsel's request for fees. (See id.) In its Final Approval Order, the Court discussed at length the
4 fairness of the fee award. (See Approval Order ¶ 15.) Inherent in the finding that the fee award is
5 fair is the finding that the Court had adequate information to assess class counsel's request for fees.
6 For purposes of clarity, however, the Court reiterates that it has considered and overruled all
7 objections to the settlement and the fee award.

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Dated: February 24, 2012



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: February 24, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy