

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES RAFTON, TRUSTEE OF THE JAMES)
AND CYNTHIA RAFTON TRUST,)
)
Plaintiff,)
v.)
RYDEX SERIES FUNDS, ET AL.,)
)
Defendants.)

Case No.: 10-CV-01171-LHK
ORDER CONTINUING FINAL
APPROVAL HEARING

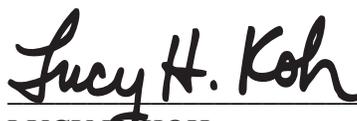
Pursuant to the parties' request, the hearing on the motion for final approval of class action settlement and the motion for attorneys' fees, litigation expenses, and reimbursement of Lead Plaintiffs' costs and expenses is continued to February 9, 2012, at 1:30 p.m. By 5:00 p.m. on February 2, 2012, Lead Counsel shall file a statement, not to exceed 10 pages, including the following information: (1) the final class size; (2) a breakdown of the number of identified class members, partially identified class members, unidentified purchasers, and identified purchasers with unidentified transactions or without losses; (3) the maximum recovery (i.e. the total damages) for the class; (4) the percentage of the maximum recovery that class members will receive, net of attorneys' fees and costs; (5) the average amount of recovery for individual class members; and (6) an explanation as to how the hourly billing rate for the Lead Plaintiffs was calculated. The statement shall also include which cy pres organizations Lead Counsel is considering selecting,

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when a cy pres organization(s) will be selected, and how much money is anticipated to be given to the cy pres organization(s). In addition, Lead Counsel shall file an amended proposed order to reflect the fact that Lead Counsel is no longer seeking an award of interest on fees and costs.

IT IS SO ORDERED.

Dated: January 5, 2012



LUCY H. KOH
United States District Judge