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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MELISSA FERRINGTON, CHERYL  
SCHMIDT, CHRISTOPHER BENNETT  
AND CHRISTI HALL,  
  
Plaintiffs,  
  
v.  
  
MCAFEE, INC., ARPU, INC., D/B/A  
TRYANDBUY.COM,  
  
Defendants.

Case No. 5:10-CV-01455 LHK  
Case No. 5:11-CV-00721 LHK

~~PROPOSED~~ **CONDITIONAL CLASS  
CERTIFICATION ORDER**

Complaint Filed: April 6, 2010  
Trial Date: None  
Judge: Hon. Lucy H. Koh

KEN POCHIS,  
  
Plaintiff,  
  
v.  
  
ARPU, INC., MCAFEE, INC., IOLO  
TECHNOLOGIES, LLC,  
  
Defendants

Complaint Filed: Feb. 16, 2011  
Trial Date: None  
Judge: Hon. Lucy H. Koh

WHEREAS, Plaintiffs in these related actions Melissa Ferrington, Cheryl Schmidt,  
Christopher Bennett, Christi Hall and Ken Pochis (“Plaintiffs”) and Defendants McAfee, Inc.,  
Arpu, Inc., d/b/a TryandBuy.com. and Iolo Technologies, LLC (collectively, “Defendants”) have  
entered into a Settlement Agreement (“Agreement”) with respect to this matter; and

1 WHEREAS, the Court has reviewed the Agreement and the parties' papers in  
2 support of preliminary approval of the Agreement and in support of conditional certification of a  
3 Plaintiff Settlement Class; and

4 GOOD CAUSE APPEARING AND SOLELY FOR THE PURPOSE OF  
5 SETTLEMENT IN ACCORDANCE WITH THE AGREEMENT, THE COURT FINDS AND  
6 ORDERS AS FOLLOWS:

7 1. The Court hereby certifies a Plaintiff Settlement Class consisting of all  
8 persons in the United States who during the Class Period accepted an Arpu pop-up advertisement  
9 offer presented on McAfee's website. The Plaintiff Settlement Class excludes Defendants, any  
10 entity in which Defendants have a controlling interest, Defendants' subsidiaries, affiliates,  
11 officers, directors, or employees, and any legal representative, heir, successor, or assignee of  
12 Defendants, and any persons and entities that timely opt-out of the Plaintiff Settlement Class.

13 2. The above-described Plaintiff Settlement Class is so numerous that joinder  
14 of all members is impracticable.

15 3. There are questions of law or fact common to the above-described Plaintiff  
16 Settlement Class.

17 4. The claims advanced by Plaintiffs are typical of the claims of the above-  
18 described Plaintiff Settlement Class.

19 5. The Plaintiffs will fairly and adequately protect the interests of the above-  
20 described Plaintiff Settlement Class, and are conditionally appointed as representatives of the  
21 Plaintiff Settlement Class for the purpose of implementing the settlement in accordance with the  
22 Agreement. Cohen Milstein Sellers & Toll PLLC and Patterson Law Group, APC are  
23 conditionally appointed as counsel for the Plaintiff Settlement Class.

24 6. The questions of law or fact common to the members of the above-  
25 described Plaintiff Settlement Class predominate over the questions affecting only individual  
26 members.

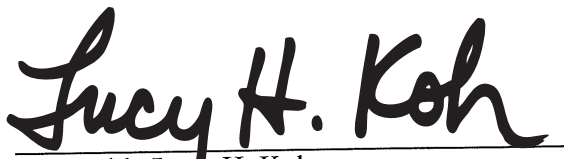
1                   7.       Certification of the above-described Plaintiff Settlement Class by the Court  
2 in this matter is superior to other available methods for the fair and efficient adjudication of the  
3 controversy.

4                   8.       Notice of the pendency of this case and the proposed settlement shall be  
5 provided to the Plaintiff Settlement Class as specified in the Court's Order Granting Preliminary  
6 Approval of Class Action Settlement, filed herewith. Any Plaintiff Settlement Class member may  
7 elect not to be a part of the Plaintiff Settlement Class and not to be bound by the Agreement, as  
8 set forth in the Summary Published Notice, Summary Email Notice and Long Form Notice.

9                   9.       In the event that Final Approval of the settlement does not occur for any  
10 reason, or in the event of termination of the Agreement for any reason, this Order, and all of its  
11 provisions, shall be deemed null and void *ab initio*, shall have no force or effect whatsoever, shall  
12 not be used in this or in any other proceeding for any purpose, and this action shall revert to its  
13 status as existed prior to the date of this Order. Nothing in this Order is, or may be construed as,  
14 an admission or concession by or against any of the parties on any point of fact or law.

15                   IT IS SO ORDERED.

16 Dated: February 15, 2013

  
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Honorable Lucy H. Koh  
Judge of the United States District Court

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