

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

MELISSA FERRINGTON and CHERYL SCHMIDT,)	Case No.: 10-CV-001455-LHK
)	
Plaintiffs,)	ORDER REGARDING EDITS TO PROPOSED CLASS NOTICE
v.)	
McAFEE, INC.,)	
)	
Defendant.)	

As discussed at the preliminary fairness hearing on the proposed settlement in this action, the Court asks that the Parties take the following actions by August 11, 2011:

1) Inform the Court whether Defendants have a database of Class Members’ street addresses. If so, the parties are to amend ¶ 2 of the Proposed Order to include a provision that a summary notice will be mailed to the street addresses of those Class Members’ whose email servers bounce back the Summary Email Notice.

2) Clarify that the Summary Email Notice will contain a link to the dedicated website identified in ¶ 2 of the Proposed Order.

3) In ¶ 2 of the Proposed Order, propose language for the “re:” line in the Summary Email Notice that makes a good faith effort of avoiding interception by spam filters and being ignored by class members.

4) In the second paragraph of Joint Statement, clarify that class members may make claims for “\$5 per month for each month the claimant paid or prepaid Arpu’s charges **up to a maximum of \$30**; or (2) a license for the current version of McAfee Family Protection **for a limited amount of time.**” Nugent Decl. Ex. G.

5) On page 2 of the Notice, the parties should clarify that submitting a claim form is “The only way to get cash reimbursement or a software license **through this lawsuit settlement,**” and that if Class Members ask to be excluded, they “Keep rights to sue McAfee or Arpu on [their] own **and seek a recovery through litigation.**” Nugent Decl. Ex. B2.

1 6) On page 8 of the Notice, the parties should clarify that the lawyers can seek up to
2 \$350,000 or 29.2 % of the total amount that can be claimed. *Id.*

3 (7) Harmonize the language explaining cash payments to the Class Members in the
4 Claim Form, Nugent Decl. Ex. A, at 1, with the language in the Notice, Nugent Decl. Ex. B2, at 1.

5 (8) Clarify in all relevant documents that proof of payment is not required for making a
6 valid claim, if a Class Member can establish his or her identity to the Claims Administrator and
7 provide an email address or street address that matches Arpu's database.

8 (9) Specify in all relevant documents that the total amount that can be claimed by all
9 Class Members is \$1.2 million.

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11 **IT IS SO ORDERED.**

12 Dated: August 4, 2011


LUCY H. KOH
United States District Judge