

1 KAEMPFER CROWELL  
 Robert McCoy, No. 9121  
 2 1980 Festival Plaza Drive, Suite 650  
 Las Vegas, Nevada 89135  
 3 Telephone: (702) 792-7000  
 Facsimile: (702) 796-7181  
 4 Email: [rmccoy@kcnvlaw.com](mailto:rmccoy@kcnvlaw.com)

5 STROOCK & STROOCK & LAVAN LLP  
 Julia B. Strickland (*Pro HacVice*)  
 6 Stephen J. Newman (*Pro Hac Vice*)  
 Brian C. Frontino (*Pro Hac Vice*)  
 7 2029 Century Park East, Suite 1600  
 Los Angeles, California 90067  
 8 Telephone: (310) 556-5800  
 Facsimile: (310) 556-5959  
 9 Email: [jstrickland@stroock.com](mailto:jstrickland@stroock.com)  
 Email: [snewman@stroock.com](mailto:snewman@stroock.com)  
 10 Email: [bfrontino@stroock.com](mailto:bfrontino@stroock.com)

11 Attorneys for Defendant  
 Zappos.com, Inc.

12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF NEVADA

14 IN RE ZAPPOS SECURITY BREACH  
 LITIGATION

MDL: 2357  
 Case No. 3:12-cv-00325-RCJ-VPC

15 -----  
 16 This document relates to:  
 17 ALL ACTIONS

**ORDER  
 REGARDING EMAIL NOTICE TO  
 PROPOSED SETTLEMENT CLASS**

19 WHEREAS, on September 19, 2019, the Court entered its Order preliminarily  
 20 approving a proposed class action settlement and directing notice to the proposed settlement  
 21 class; and

22 WHEREAS, on October 7, 2019, the Court entered an Order directing email  
 23 notice to the settlement class on October 15 and 16, 2019 (ECF No. 337); and

1           WHEREAS, the settlement administrator has commenced email notice pursuant  
2 to the Court's October 7 Order; and

3           WHEREAS, the settlement administrator now advises and recommends that, to  
4 prevent class notice from being blocked by internet service providers or corporate anti-spam  
5 filters, a reduced size of email distribution groups be employed, and that the distribution be  
6 spread over a longer timeframe; and

7           WHEREAS, the settlement administrator believes that email notice distribution  
8 probably can be completed by Saturday, October 19, 2019, but that it may be necessary for some  
9 notices to be distributed on Sunday, October 20, 2019, and Monday, October 21, 2019; and

10           WHEREAS, proposed settlement class members receiving their notices on  
11 October 21, 2019, will still have 39 days to object or opt out of the settlement before the  
12 November 29, 2019 deadline; and

13           WHEREAS, appellate case law confirms that notice of 30 days or more complies  
14 with Federal Rule of Civil Procedure 23 and due process. *See e.g., In re Transpacific Passenger*  
15 *Air Transportation Antitrust Litigation*, 701 Fed. App'x 554, 555 (9th Cir. 2017) (settlement  
16 provided sufficient notice to class members under Federal Rule of Civil Procedure 23 where  
17 class members were notified of the opportunity to opt out or object to the settlement no later than  
18 35 days before the final fairness hearing); *Torrise v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375  
19 (9th Cir. 1993) (holding that timing of notice satisfied due process and Federal Rule of Civil  
20 Procedure 23 where notice was mailed 31 days before the deadline for written objections and 45  
21 days before final approval hearing).

22           The parties stipulate and agree as follows:

23           1.     Email notice to the proposed settlement class shall be completed by  
24 October 21, 2019; and

1                   2.       The settlement administrator shall organize the class notices into  
2 distribution groups as may be necessary to ensure proper delivery.

3 O'MARA LAW FIRM, P.C.

KAEMPFER CROWELL

4 By /s/ David C. O'Mara  
5 David C. O'Mara, No. 8599  
311 East Liberty Street  
6 Reno, Nevada 89501

By /s/ Robert McCoy  
Robert McCoy, No. 9121  
1980 Festival Plaza Drive, Suite 650  
Las Vegas, Nevada 89135

7 BARNOW AND ASSOCIATES, P.C.  
Ben Barnow (*pro hac vice*)  
8 One North LaSalle Street, Suite 4600  
Chicago, IL 60602

STROOK & STROOK & LAVAN LLP  
Julia B. Strickland (*Pro Hac Vice*)  
Stephen J. Newman (*Pro Hac Vice*)  
Brian C. Frontino (*Pro Hac Vice*)  
2029 Century Park East, Suite 1600  
Los Angeles, California 90067

9 THE COFFMAN LAW FIRM  
10 Richard L. Coffman (*pro hac vice*)  
First City Building  
11 505 Orleans Street, Fifth Floor  
Beaumont, TX 77701

Attorneys for Defendant Zappos.com, Inc.

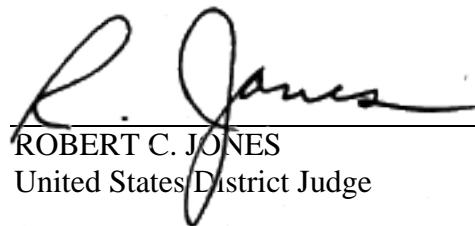
12 FINKELSTEIN, BLANKINSHIP,  
13 FREI-PEARSON & GARBER, LLP  
Jeremiah Frei-Pearson (*pro hac vice*)  
14 445 Hamilton Avenue, Suite 605  
White Plains, New York 10601

15 GLANCY PRONGAY & MURRAY LLP  
16 Marc L. Godino (*pro hac vice*)  
1925 Century Park East, Suite 2100  
17 Los Angeles, California 90067

18 Attorneys for Plaintiffs

**ORDER**

19  
20 IT IS SO ORDERED.

  
ROBERT C. JONES  
United States District Judge

21  
22  
23 Dated:           November 18, 2019