

1 Francis O. Scarpulla (41059)
 2 Craig C. Corbitt (83251)
 3 Judith A. Zahid (215418)
 4 Patrick B. Clayton (240191)
 5 Qianwei Fu (242669)
 6 Heather T. Rankie (268002)
 7 ZELLE HOFMANN VOELBEL & MASON LLP
 8 44 Montgomery Street, Suite 3400
 9 San Francisco, CA 94104
 10 Telephone: (415) 693-0700
 11 Facsimile: (415) 693-0770
 12 *fscarpulla@zelle.com*

13 Joseph M. Alioto (42680)
 14 Theresa D. Moore (99978)
 15 ALIOTO LAW FIRM
 16 225 Bush Street, 16th Floor
 17 San Francisco, CA 94104
 18 Telephone: (415) 434-8900
 19 Facsimile: (415) 434-9200
 20 *jmalioto@aliotolaw.com*

21 *Co-Lead Class Counsel for Indirect-Purchaser Plaintiffs*

22 [Additional counsel listed on signature pages]

23
 24
 25 **UNITED STATES DISTRICT COURT**
 26
 27 **NORTHERN DISTRICT OF CALIFORNIA**
 28
 29 **SAN FRANCISCO DIVISION**

30 IN RE TFT-LCD (FLAT PANEL)) Case No. 3:07-MD-1827 SI
 31 ANTITRUST LITIGATION) MDL No. 1827
 32)
 33)

34 This Document Relates to:) **INDIRECT-PURCHASER PLAINTIFFS'**
 35) **AND SETTLING STATES' JOINT**
 36 Indirect-Purchaser Class Action;) **RESPONSE TO OBJECTIONS TO**
 37) **COMBINED CLASS, PARENS PATRIAE,**
 38 *State of Missouri, et al. v. AU Optronics*) **AND GOVERNMENTAL ENTITY**
 39 *Corporation, et al.*, Case No. 10-cv-3619;) **SETTLEMENTS WITH AUO, LG**
 40) **DISPLAY, AND TOSHIBA**
 41 *State of Florida v. AU Optronics Corporation,*) **DEFENDANTS**
 42 *et al.*, Case No. 10-cv-3517; and)

43) Hearing Date: November 29, 2012
 44 *State of New York v. AU Optronics Corporation,*) Time: 3:30 p.m.
 45 *et al.*, Case No. 11-cv-0711.) Courtoom: 10, 19th Floor
 46)
 47)

48 The Honorable Susan Illston

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION1

II. BACKGROUND3

 A. Notice and Objections.....3

 B. The Vinegar and Holland Objections Are Not True Objections.....4

 C. IPP Discovery of Objectors.....5

III. ARGUMENT8

 A. The Fact That Few Objections Were Received Supports Approval of The Proposed Settlements8

 B. The Objections Lack Merit9

 1. There Is No *Cy Pres* Component To the Proposed Settlements or Plan of Distribution.....9

 C. All Objections Should Be Overruled12

 1. The Forman Objection Should Be Overruled12

 2. The Objections by Illinois and Washington Should Be Overruled12

 3. The Cashion, Kress, Schulte, and McDonough Objections Should Be Overruled13

 4. The Vinegar Objection Should Be Overruled.....13

 5. The Erwin, Santana, and Rest Objections Should Be Overruled.....13

 6. The Keena Objection Should Be Overruled14

 7. The Maxwell Objection Should Be Stricken Due To Lack of Standing15

 8. The Kane/Pridham Objection Should Be Overruled15

 9. The Holland Objection Should Be Overruled.....15

 10. The Chesser and Kessel Objection Should Be Stricken for Failure To Comply with Court-Ordered Discovery16

 11. The Corporate Broadcast Company, et al. Objection Should Be Overruled16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. CONCLUSION.....16

TABLE OF AUTHORITIES

Federal Cases

Bryan v. Pittsburgh Plate Glass Co.,
494 F.2d 799 (3d Cir. 1974) 9

In re Checking Account Overdraft Litig.,
830 F. Supp. 2d 1330 (S.D. Fla. 2011) 8

Class Plaintiffs v. City of Seattle,
955 F.2d 1268 (9th Cir. 1992) 8

Dennis v. Kellogg Company,
687 F.3d 1149 (9th Cir. July 13, 2012)..... 10

Dennis v. Kellogg Company,
Slip Op. 10527, D.C. No. 3:09-cv-01786-IEG- WMC, 2012 U.S. App. LEXIS 18576
(9th Cir. Sept. 4, 2012) 10, 11

Embry v. ACER Am. Corp.,
No. C 09-01808 JW, Dkt. 265 (N.D. Cal. July 31, 2012)..... 8

Embry v. ACER Am. Corp.,
No. C 09-01808 JW, 2012 WL 3777163 (N.D. Cal. Aug. 29, 2012) 8

Marshall v. Holiday Magic, Inc.,
550 F.2d 1173 (9th Cir. 1977) 8

In re Mungo,
305 B.R. 762 (Bankr. D.S.C. 2003) 14

Nat’l Rural Telecomm. Coop. v. DIRECTV,
221 F.R.D. 523 (C.D. Cal. 2004) 8

Officers for Justice v. San Francisco,
688 F.2d 615 (9th Cir. 1982) *passim*

Ricotta v. State of Cal.,
4 F. Supp. 2d 961 (S.D. Cal. 1998), *aff’d sub nom. Ricotta v. State of Calif.*,
173 F.3d 861 (9th Cir. 1999) 14

Rodriguez v. West Publ’g Corp.,
563 F.3d 948 (9th Cir. 2009) 10, 11

Sullivan v. DB Invs., Inc.,
667 F.3d 273 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1876 (U.S. 2012),
reh’g denied, 132 S. Ct. 2451 (U.S. 2012)..... 15

Torrisi v. Tucson Elec. Power Co.,
8 F.3d 1370 (9th Cir. 1993) 2

Other Authorities

Cal. R. Prof. Conduct, Rule 5-200(B)..... 14

1 Tex. Disciplinary R. of Prof. Conduct, Rule 3.03(a)(1) 14

2 Tex. Disciplinary R. of Prof. Conduct, Rule 8.04(a)(3) 14

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION

Following the Court’s preliminary approval of the Proposed Settlements, the IPPs and the Settling States conducted a comprehensive notice program that reached millions of potential class members.¹ Eleven objections have been received. At least two of the documents do not appear to be true objections. None of the objections challenges the sufficiency of the Proposed Settlements, the claim form, or the notice program. The overall paucity of objections in a case of this size, and the lack of objections going to the fundamental fairness, adequacy, and reasonableness of the Proposed Settlements are sufficient grounds for the Court to grant final approval to the Proposed Settlements.

The bulk of the objections come from “serial” or “professional” class-action objectors who struggle to state any good-faith objections to the Proposed Settlements. The limited discovery of certain objectors by the IPPs has revealed that the persons whose names² used in connection with the objections harbor no independent interest or personal knowledge of the issues their lawyers have sought to raise with respect to the Proposed Settlements. At least one objector never purchased any LCD product and therefore is not a class member.³ Other objectors who previously claimed to be *pro se* were at all times represented by counsel who filed multiple rounds of papers on these objectors’ behalf—a charade that renews serious concerns about certain counsel’s fitness to practice before this or any other Court.⁴ The *bona fides* of these professional objectors and their counsel should cause the Court to approach their objections with great wariness.⁵

¹ “Proposed Settlements” refers to the settlements with the AUO, LG Display, and Toshiba defendants. “IPPs” refers to Indirect-Purchaser Plaintiffs. “Settling States” refers to the Attorneys General of Arkansas, California, Florida, Michigan, Missouri, New York, West Virginia, and Wisconsin. This response is concurrently filed with the IPPs’ and Settling States’ Motion for Final Approval of the Proposed Settlements, which is incorporated herein by reference.

² The objection filed under the name “Andrea Kane” refers instead to Andrea Pridham, spouse of her counsel Grenville Pridham. This fact was confirmed only after the IPPs began discovery efforts with respect to Ms. Kane/Pridham, and appears to have been done initially to hide the relationship between Mr. and Mrs. Pridham.

³ Objector Gerri Maxwell—the sole remaining objector represented by counsel George Cochran following the withdrawal of objectors Gerri Marshall, Wayne Marshall, and Maria Marshall (*see* Dkt. 7112)—bases her class membership and standing to object solely on the purchase by her son of a plasma-display (not LCD) television.

⁴ The three objectors now represented by counsel Chris Bandas all filed previous objections (and notices of appeal) *pro se*. *See* Dkt. 5498, 5502, 5506. During their recent depositions, all

1 Substantively, most of the objections are preoccupied with a withdrawn Ninth Circuit
 2 opinion discussing *cy pres* settlements and with the amount of attorneys' fees requested. These
 3 objections are meritless. As discussed below, the Proposed Settlements and plan of distribution
 4 here have no *cy pres* components. As to the attorney fee objections, the IPPs and Settling States
 5 demonstrated why it is appropriate to award the requested amounts in their respective fee motions.
 6 See Dkt. 6662 (IPP fee motion); 6650 (Settling States fee motion). The Special Master has
 7 conducted a detailed investigation, considered all objections to the fee motions, and recommended
 8 that the attorney fee motions be granted in full. See Dkt. 7127.

9 Moreover, distribution and fee issues are not among the factors utilized to arrive at the
 10 determination to approve a settlement as an appropriate end to class litigation. Instead, "the
 11 universally applied standard is whether the settlement is fundamentally fair, adequate and
 12 reasonable." *Officers for Justice v. San Francisco*, 688 F.2d 615, 625 (9th Cir. 1982). The factors
 13 to be balanced by the Court, and which are not implicated by the objections raised here, include:

14 the strength of plaintiffs' case; the risk, expense, complexity, and likely duration of
 15 further litigation; the risk of maintaining class action status throughout the trial; the
 16 amount offered in settlement; the extent of discovery completed and the stage of the
 proceedings; the experience and views of counsel; the presence of a governmental
 participant; and the reaction of the class members to the proposed settlement.

17 *Id.* at 625 (internal citations omitted); *accord Torrissi v. Tucson Elec. Power Co.*, 8 F.3d 1370,
 18 1375 (9th Cir. 1993).

19 Accordingly, the Court should overrule all objections as meritless. Moreover, the Court
 20 should make specific findings regarding the lack of standing of certain objectors and the ethical
 21 violations of certain objector counsel who have appeared before the Court.

22 //

23 //

24 //

25
 26 three admitted that Bandas wrote and filed all of the objections, and has represented them at all
 times.

27 ⁵ Objector counsel Darrell Palmer has refused to comply with any of the court-ordered
 28 discovery of his clients. The Court has subsequently ordered his clients to appear for deposition.
 See Dkt. 7152.

II. BACKGROUND

A. Notice and Objections

The Court has granted preliminary approval to the Proposed Settlements and the plan of distribution, approved the claim form, and ordered that notice be given to class members. *See* Dkt. 6311. This is the second notice program in this case, and the first time that a claim form and plan of distribution have been made available. The Court set a deadline of 60 days after commencement of the notice program for class members to file objections. *See* Dkt. 6335. The notice program began on August 8, 2012, and included paid media advertisements on broadcast media, print publications, and the Internet, as well as an earned-media outreach, a toll-free hotline, and a comprehensive website, www.LCDclass.com. Declaration of Katherine Kinsella Regarding Implementation of Second Notice Program (“Kinsella Decl.”) (filed with IPP and Settling States’ motion for final approval) ¶¶ 5–24. The deadline to file objections was October 9, 2012.

A total of 11 documents that could be construed as objections were received:

	Objector	Counsel	Dkt. No.	Dkt. Date	Stated Basis of Objection
1.	Douglas R. Forman, Esq.	Pro se	6680	9/10/12	Class counsel’s and AGs’ fee request of up to 1/3rd of settlement amount
2.	States of Illinois and Washington ⁶	Blake L. Harrop; Brady R. Johnson	6688	9/12/12	Release of claims with respect to IL and WA
3.	Shannon Cashion; Kelly Kress; Mark Schulte; W. Christopher McDonough	Steve A. Miller; John C. Kress; J. Scott Kessinger; Jonathan E. Fortman	6814	9/21/12	Class counsel’s fee request and incentive award
4.	Cornell Vinegar	Pro se	Letter dated 9/21/12 (mailed to Notice Admin. but not on docket)	--	Unclear; uses word “objection”

⁶ The State of South Carolina filed an administrative motion for permission to file an amicus brief in support of the objection filed by Illinois and Washington. *See* Dkt. 6930.

	Objector	Counsel	Dkt. No.	Dkt. Date	Stated Basis of Objection
1 2 3	5. Ira Conner Erwin; Luis Mario Santana; Stefan Rest	Christopher Bandas	6932	10/9/12	<i>Cy pres</i> provisions; class counsel's fee request
4	6. Dale Keena	N. Albert Bacharach	6935	10/9/12	Class counsel's fee request and incentive award
5 6 7 8	7. Geri Maxwell; Gerri Marshall; Maria Marshall; Wayne Marshall ⁷	George W. Cochran	6936	10/9/12	Plan of distribution; <i>cy pres</i> provisions; class counsel's fee request
9 10 11	8. Andrea Kane a/k/a Andrea Pridham	Grenville Pridham; Mark Lavery; Christopher V. Langone	6937	10/9/12	<i>Cy pres</i> provisions
12	9. P.C. Holland	Pro se	6985	10/12/12	Objects because wants more time to submit claim
13 14	10. Leveta Chesser Johnny Kessel	Darrell Palmer	6991	10/15/12	<i>Cy pres</i> provisions; class counsel's fee request
15 16 17 18	11. Corporate Broadcast Company, Inc.; Margot Bradley; Alex Martinez	Brian M. Torres	6993	10/15/12	Class counsel's fee request

B. The Vinegar and Holland Objections Are Not True Objections

The letter from Cornell Vinegar uses the word "objection" but is otherwise unclear whether he makes any objection to the Proposed Settlements or any other aspect of this case. The objection filed by P.C. Holland in October requested that the claim-filing deadline be set for December so as to allow more time to file a claim. The settlement administrator has contacted Mr. or Ms. Holland to advise that the claim-filing deadline is in fact December 6, 2012. Declaration of Robin M. Niemiec of Rust Consulting, Inc., Notice Administrator ("Niemiec Decl.") (filed with IPP and Settling States' final approval motion) ¶ 23.

⁷ Objectors Gerri Marshall, Maria Marshall, and Wayne Marshall subsequently withdrew their objections. See Dkt. 7112.

1 **C. IPP Discovery of Objectors**

2 The IPPs have pursued discovery from the various objectors believed to be “serial” or
3 “professional” objectors, or who are working with such serial or professional objector counsel.
4 The depositions reveal that the objections are driven by the objectors’ counsel. The majority of
5 testifying objectors learned of the case either through their counsel (*see, e.g.*, Rest Tr. 19:20–23;
6 Pridham Tr. 13:10–11; Dale Tr. 24:1–8, 23:14–18; Bradley Tr. 34:11–21 (Clayton Decl. Exs. 1–4,
7 respectively⁸)), or through a friend with a relationship with serial objector counsel. *See, e.g.*,
8 Maxwell Tr. 7:1–9:4; Santana Tr. 9:7–12, 10:23–25, 11:15–18; Erwin Tr. 8:9–17 (Clayton Decl.
9 Exs. 5–7, respectively)).

10 The objectors cannot articulate the basis for their objections. *See, e.g.*, Erwin Tr. 41:1–10
11 (Clayton Decl. Ex. 7) (“[IPP counsel] . . . You want to stipulate on the record that [Erwin] knows
12 nothing about the cases? Mr. Bandas: We will stipulate that all [Erwin] knows comes from
13 communication with . . . his attorneys.”); *id.* 87:9–24 (“Q: but when you say it’s excessive
14 [referring to IPPs’ hard costs], how would you know that if you don’t know about the underlying
15 litigation? (Pause) A: How do you know . . . what shirt to put on in the morning? You have a
16 feeling about it. This feels like too much to me.”) (ellipses in original); Schulte Tr. 37:24–38:16
17 (Clayton Decl. Ex. 8) (“Q: What is the correct percentage . . . to award fees in this case from your
18 point of view, sir[?]” “A: I suppose if I were king of the world and got to make these decisions that
19 a percentage would be appropriate if it would tailor off after a while, or if at the upper end some
20 other good things would happen to this great treasure that is being shifted around.”); Bradley Tr.
21 42:4–11 (Clayton Decl. Ex. 4) (“Q: Why does it [your objection] say the claimed lodestar is hard
22 to believe? Do you have an understanding as to that? A: Because it’s ginormous. Q: By lodestar
23 you mean the amount of fees the attorneys are seeking? A: Well, the entire amount being awarded
24 and the amount being asked for by the attorneys, yes.”) Mathis Tr. 52:24–53:8 (Clayton Decl. Ex.
25 9) (“Q: Explain to me the factual basis on which your statements that the fees are excessive is
26 made? A: My understanding is that the court will look at . . . what can be considered fair and just

27 ⁸ “Clayton Decl.” refers to the concurrently-filed Declaration of Patrick B. Clayton in
28 Support of Indirect-Purchaser Plaintiffs’ and Settling States’ Joint Response to Objections to
Combined Class, *Parens Patriae*, and Government Entity Settlements.

1 fees but – and I understand that lawyers have billable hours and rates according to that, but in light
2 of the size of this settlement, the percentage that is asked for I think is excessive. Q: What’s the
3 basis for that? A: It’s my opinion.”); Dale Tr. 32:2–34:4; Rest Tr. 106:18–107:3; Santana Tr.
4 16:13–23 (Clayton Decl. Exs. 3, 1, 6, respectively).

5 Most objectors show a fundamental misunderstanding of the claims and objection process,
6 all of which they learned about from their lawyers. *See, e.g.*, Maxwell Tr. 10:21–25, 40:25–41:3
7 (Clayton Decl. Ex. 5) (“Q: What was your goal in objecting to the LCD settlements? A: I was
8 charged too much for the TV, and I was damaged by that, so I wanted to get paid for the
9 damages.”); “Q: Do you understand that you can receive money just by filing that claim? A: I don’t
10 recall hearing that, so I don’t really know.”); Erwin Tr. 8:18–25 (Clayton Decl. Ex. 7) (“Q: And
11 what was your purpose in contacting Mr. Bandas? A: I was a part of the class. Q: When you called
12 him, was it your intent to object to the settlement? A: I don’t know. I didn’t really have an intent.
13 I just knew I was part of the class at that time.”); Martinez Tr. 29:10–16 (Clayton Decl. Ex. 10)
14 (“Q: What would entitle you to make that claim for compensation? [Objection] A: I have products
15 that are faulty, and I believe I am entitled to some compensation for that”); *id.* 30:6–9 (“Q: Do you
16 have an understanding of whether [this case] involved claims of price fixing? A: No.”); Bradley
17 Tr. 29:14–20 (Clayton Decl. Ex. 4) (“Q: Do you know whether you are a member of the settlement
18 class? A: I don’t believe I am. Q: Okay. Why do you believe you are not a member of the
19 settlement classes? You’re making a claim in this case? A: Correct.”).

20 The objectors now represented by counsel Chris Bandas confirmed Bandas’s troubling
21 practice of orchestrating purportedly “pro se” objections: Bandas advised objector-clients, and
22 drafted their objections and notices of appeal, but concealed his involvement and misrepresented
23 to the Northern District of California and Ninth Circuit these objectors’ representation status. *See,*
24 *e.g.*, Santana Tr. 59:21–22 (Clayton Decl. Ex. 6) (“For everything I’ve done on this case, I have
25 relied on [Bandas’s] legal advice.”); Rest Tr. 33:21–34:3 (Clayton Decl. Ex. 1) (“Q: . . . That was
26
27
28

1 your understanding, that Mr. Bandas was your lawyer at the time you filed your first objection; is
2 that correct? A: Yeah. Chris [Bandas] has been giving me legal advice for a long time.”⁹

3 Other objectors confirmed in their depositions that they are not class members, or
4 confirmed that they do not have any bona fide objections because they refused to answer any
5 questions about the factual basis of their objections. Objector Maxwell mistakenly believes receipt
6 of a plasma television as a gift qualifies her as class member. Maxwell Tr. 27:2–8, 34:22–38:17
7 (Clayton Decl. Ex. 5).¹⁰ Kress and Schulte’s counsel refused to allow them to testify regarding
8 certain factual bases for objection, despite the Amended Order allowing discovery regarding
9 “factual support for their objections.” Dkt. 7011 ¶ 5.a.; Kress Tr. 22:18–23:22; Schulte Tr. 35:17–
10 37:12 (Clayton Decl. Exs. 11, 8, respectively). Finally, Paul, Kessel, and Chesser refused to be
11 deposed, and failed to provide addresses and telephone numbers as required by the court-approved
12 notice. Dkts. 5530 (Round 1 objection), 6991 (Round 2 objection), 7129 at 3–4 (IPPs’ response to
13 objectors’ objections to order compelling them to participate in discovery); Clayton Decl. Exs. 12–
14 14 (non-appearance transcripts for objectors Paul, Kessel, and Chesser).

15 The vast majority of the settlement objectors are represented by serial objector counsel, and
16 many of the objector-clients themselves are likewise serial objectors. Palmer and Bandas are
17 particularly prolific objectors and have received significant judicial excoriation. Yesterday, this
18 Court noted Palmer’s “generally truculent and unprofessional behavior” and ordered that his
19 objectors participate in discovery. Dkt. 7152. Earlier this year, then-Chief Judge Ware of this
20 Court found Bandas—serving as an objector with Palmer as his attorney—in civil contempt for
21

22 ⁹ See also Santana Tr. 23:12–22 (Bandas prepared Santana’s objection); *id.* 24:19–25:13
23 (Bandas’s office filed Santana’s Objection); *id.* 49:24–50:8 (Bandas prepared notice of appeal for
24 Santana); Rest Tr. 34:12–22, 35:6–12 (Bandas’s office prepared Rest’s objection); 84:7–12
25 (Bandas prepared Rest’s notice of appeal); Erwin Tr. 29:9–30:14 (Bandas prepared Erwin’s
objection and Erwin signed it and sent it back; at that point Erwin believed he had retained Bandas
to be his lawyer); *id.* 53:20–54:16 (Bandas prepared Erwin’s notice of appeal) (Clayton Decl. Exs.
6, 1, 7, respectively).

26 ¹⁰ On November 15, 2012, at the proverbial “11th hour” before this filing, objector counsel
27 George Cochran advised the IPPs that Maxwell wants to make a claim based on a laptop computer
28 purchase that she has never previously disclosed. The IPPs have been provided no evidence, and
the sworn testimony of Maxwell at her deposition stating that she is claiming class membership
based solely on the purchase of a plasma-display television purchased by her son has not been
controverted by declaration or any other evidence.

1 failure to comply with two court orders requiring him to post an appellate bond of \$70,650 or
 2 dismiss his appeal where his “objections to the settlement [were] lacking in merit.” *Embry v.*
 3 *ACER Am. Corp.*, No. C 09-01808 JW, 2012 WL 3777163 (N.D. Cal. Aug. 29, 2012), and Dkt.
 4 265, at 3 (July 31, 2012) (Clayton Decl. Ex. 15).

5 Numerous examples of cases in which Palmer and Bandas have filed objections and
 6 dismissed, abandoned, or withdrawn the objections or appeals without attaining settlement changes
 7 or additional benefits for the class are detailed in Appendices A–B. Likewise, many of the other
 8 objectors have been harshly criticized. *See, e.g., In re Checking Account Overdraft Litig.*, 830 F.
 9 Supp. 2d 1330, 1361 n.30 (S.D. Fla. 2011) (discussing objections for Fortman and others: “most if
 10 not all of the Objections are motivated by things other than a concern for the welfare of the
 11 Settlement Class. Instead, they have been brought by professional objectors and others whose sole
 12 purpose is to obtain a fee by objecting to whatever aspects of the Settlement they can latch onto.”).

13 Examples of selected settlement objections by and/or selected judicial criticism of
 14 attorneys Lavery, Langone, and Pridham; Bacharach, Miller, Fortman, Kress, Kessinger, and
 15 Cochran are detailed in Appendices C–I, respectively. Finally, objectors Schulte, Pridham (a/k/a
 16 Kane), Paul, Rest, and Santana serially object to settlements and their past objections are listed in
 17 Appendices J–N, respectively.

18 **III. ARGUMENT**

19 **A. The Fact That Few Objections Were Received Supports Approval of The 20 Proposed Settlements**

21 The comprehensive notice plan executed by the IPPs and the Settling States reached
 22 millions of consumers of the TVs, laptop computers, and notebook computers containing
 23 defendant-made LCD panels that are the subject of these actions. *See generally* Kinsella Decl.
 24 Out of this massive group of class members and residents of those States pursuing *parens patriae*
 25 claims, only 11 objections were received. Under these circumstances, the Court may appropriately
 26 infer that the Proposed Settlements are fair, reasonable, and adequate when so few objections are
 27 made. *See, e.g., Marshall v. Holiday Magic, Inc.*, 550 F.2d 1173, 1178 (9th Cir. 1977); *see also*
 28 *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1291-96 (9th Cir. 1992); *Nat’l Rural Telecomm.*

1 *Coop. v. DIRECTV*, 221 F.R.D. 523, 529 (C.D. Cal. 2004) (“It is established that the absence of a
2 large number of objections to a proposed class action settlement raises a strong presumption that
3 the terms of a proposed class settlement action are favorable to the class members”). Indeed, a
4 court can approve a class action settlement as fair, reasonable, and adequate even over the
5 objections of a significant percentage of class members. *See Bryan v. Pittsburgh Plate Glass Co.*,
6 494 F.2d 799, 803 (3d Cir. 1974) (“While the proportion of the class opposed to a settlement is one
7 factor to be considered in assessing its fairness, . . . a settlement is not unfair or unreasonable
8 simply because a large number of class members oppose it”).

9 **B. The Objections Lack Merit**

10 **1. There Is No *Cy Pres* Component To the Proposed Settlements or Plan of
11 Distribution**

12 The settlements in this litigation are exclusively cash settlements, no portion of which will
13 revert to any Settling Defendant. The proposed plan of distribution is to compensate the members
14 of the IPP monetary-relief classes by individual cash payments to all qualifying claimants. There
15 is no *cy pres* component in the settlements or in the proposed plan of distribution. The only
16 provision in the proposed distribution plan that would permit payment of any of the settlement
17 funds to a person other than a class member claimant is a provision governing what may happen if
18 there are funds remaining in the disbursement account after all claims have been processed. This
19 could occur either because all qualifying claimants have been issued checks in amounts equal to
20 three times their estimated damages and there are funds remaining, an unlikely event, or there is a
21 residual amount left in the fund that is so small it is not feasible and practicable to distribute it to
22 all claimants. It is not uncommon at the end of a distribution process for residual money to be left
23 in the disbursement account.

24 Some disposition must be made if such funds remain so that the settlement escrow may be
25 closed. Here, as is the norm, the settlements and the distribution plan contemplate that any such
26 funds may be disposed of in the sound discretion of this Court. Depending on the amount of
27 residue, the Court should be permitted to exercise its discretion to direct funds be paid to a third
28 party rather than redistributed to claimants, if that is fair and reasonable to the class. Therefore,

1 directing the disposition of residual funds to third parties is generally governed by the broad
2 guidelines applicable to *cy pres* distributions. That does not mean that this is a *cy pres* settlement
3 or even that there is a *cy pres* component to the settlement.

4 However, the inclusion of what is usually a non-controversial provision that the Court may
5 determine the disposition of any remaining residual in the settlement disbursement account has
6 been seized upon here by a number of objectors. Objectors Geri Maxwell; and Maria, Wayne, and
7 Gerri Marshall assert that the Ninth Circuit’s decision in *Dennis v. Kellogg Company*, 687 F.3d
8 1149 (9th Cir. July 13, 2012) (“*Kellogg I*”), supports the objection that the settlements are
9 deficient because “the potential *cy pres* recipients are not identified in the Settlement
10 Agreements.” Dkt. 6936 at 4. Objectors Erwin, Santana and Rest (Dkt. 6932 at 4, 8) and
11 Objectors Chesser and Kessel (Dkt. 6991 at 2-4) also raise the same objection.

12 This objection is without merit. *Kellogg I*, issued on June 7, 2012, held that a court could
13 not adequately evaluate a settlement where payments would be made to a group of *cy pres*
14 recipients without knowing the identity of individual *cy pres* recipients before final approval.
15 However, *Kellogg I* was vacated and reissued on September 4, 2012, as *Dennis v. Kellogg*
16 *Company*, Slip Op. 10527, D.C. No. 3:09-cv-01786-IEG- WMC, 2012 U.S. App. LEXIS 18576
17 (9th Cir. Sept. 4, 2012) (“*Kellogg II*”). Language was added in *Kellogg II* specifically to
18 recognize Ninth Circuit precedent holding that where, as here, the settlement or plan of
19 distribution merely provides that *cy pres* may be used to dispose of residual funds remaining after
20 class members have been compensated, objections to that procedure are premature unless and until
21 the claims process is concluded and the district court has determined that there is a remainder
22 which should be distributed *cy pres*. *Kellogg II*, unlike the objectors here, distinguished between
23 closing out the remainder in an escrow account after a cash distribution, and a settlement in which
24 the sole or a significant compensation to the class comes in the form of a *cy pres* distribution to
25 third parties.

26 In *Rodriguez v. West Publ'g Corp.*, 563 F.3d 948, 966 (9th Cir. 2009) (“*Rodriguez*”), the
27 citation added in *Kellogg II*, the Ninth Circuit addressed an objection identical to the one raised
28 here and found that a potential *cy pres* distribution of residual funds “becomes ripe only if entire

1 settlement fund is not distributed to class members” and therefore declined to address objections to
2 such a *cy pres* distribution. *Kellogg II* echoed this language, distinguishing the situation in
3 *Kellogg* from the situation where a *cy pres* distribution is contingent only, and thus, issues
4 regarding the identification of recipients “will not be ripe until it is determined that available cash
5 remains in th[e] fund after the claims process has concluded.” *Kellogg II*, 2012 U.S. App. LEXIS
6 18576 at *11. Accordingly, it is clear that *Rodriguez* controls here, and any objection that the
7 plan of distribution is defective for failure to designate specific *cy pres* recipients for any residual
8 distribution that may occur is meritless.

9 Objectors Chesser and Kessel assert that in order for class members to object to the terms
10 of a settlement, “all material terms of the settlement” must be known at the time of final approval.
11 Dkt. 6991 at 2. While that statement is correct, Objectors ignore the fact that both common sense
12 and the Ninth Circuit in *Rodriguez* recognize that the disposition of the residual in a disbursement
13 account at the conclusion of a cash settlement distribution is not a *material* settlement term.
14 Chesser and Kessel also appear to argue that *Kellogg II* overruled *Rodriguez*, asserting that
15 “Before *Kellogg*, when it was unknown whether any funds might remain after all claims were
16 filed, court dismissed objections about undetermined *cy pres* recipients because the issue was ‘not
17 ripe.’ [citation to *Rodriguez* omitted.]” *Id.* at 2 n.1. This assertion is contrary to the clear language
18 of *Kellogg II*.

19 In an attempt to distinguish the aspect of *Kellogg II* that adopted *Rodriguez*, Objector Kane
20 asserts that “[s]urely, the claim fund will not be exhausted by December 6, 2012 in light of the size
21 of the fund. As such the *cy pres* issue is ripe.” Dkt. 6937 at 3. However, objector Kane’s
22 prediction is pure speculation unsupported by any statistical or empirical data. There is no basis
23 for concluding that so few claims will be received that each claimant’s *pro rata* share will be
24 capped by their estimated treble damages leaving a substantial residual available for a *cy pres*
25 distribution. This is simply not a settlement in which any substantial aspect of the class’s
26 compensation involves a *cy pres* distribution.¹¹

27
28 ¹¹ Objector Kane also requests the Court to “rule that any remaining funds go only to
governmental organizations and not to charity.” *Id.* at 4. The proposed plan of distribution in no
way circumscribes this Court’s discretion to direct the disposition of any residual that may remain

1 Objectors Erwin, Santana, and Rest object that the settlements “take money that belongs to
2 the class, distributes it to third parties without any indication that it would be infeasible to
3 distribute leftover money to class members.” Dkt. 6932 at 4. Objectors Cashion, McDonough,
4 Kress, and Schulte object that it is unclear from the notice whether the possibility that residual
5 money could be given to “beneficiaries approved by the Court” might mean that the money will be
6 returned to “the settling defendants in the form of a reverter.” Dkt. 6934 at 5. Both of these
7 objections are premised on the assumption that when and if the time comes to consider the
8 disposition of a residual, this Court will fail to be guided by either the Ninth Circuit precedent that
9 favors a direct distribution of funds to class members over *cy pres*, or the requirement that a *cy*
10 *pres* distribution benefit class members.

11 The contingency for a potential *cy pres* distribution in the proposed plan of distribution
12 does not require the identification of *cy pres* recipients at this time, and the objections to that
13 provision are not ripe at this time.

14 C. All Objections Should Be Overruled

15 1. The Forman Objection Should Be Overruled

16 Douglas Forman’s objection (Dkt. 6680) addresses only the amount of attorneys’ fees
17 requested by the IPPs and Settling States. The Forman Objection incorrectly states that the fee
18 requests of “the Attorneys General of the 24 states [sic]” (in conjunction with the IPPs) will
19 “consume 1/3 of the \$1.082 billion Settlement Fund.” *Id.* at 1-2. This is incorrect, and appears to
20 be based on an inaccurate reading of the motion for preliminary approval of the LG Display, AUO
21 and Toshiba settlements, which stated that in no case will the fee petitions exceed one-third of the
22 settlement. Dkt. 6141 at 19. This objection does not pertain to the Proposed Settlements, and
23 should be overruled. *Accord Officers for Justice*, 688 F.2d 625. The Special Master’s Report and
24 Recommendation Re Attorneys’ Fees addresses the propriety of the fee requests, and rejects the
25 challenges raised by Forman and all other objectors. *See* Dkt. 7127 at 2.

26
27
28 in the disbursement account. Presumably, when and if the time is ripe, the Court can consider
Objector Kane’s suggestion.

1 **2. The Objections by Illinois and Washington Should Be Overruled**

2 The States of Illinois and Washington object to final approval of the Proposed Settlements
3 “to the extent that any of these defendants can argue that the settlements preclude monetary relief
4 for Illinois or Washington indirect purchasers.” Dkt. 6688. This issue has already been addressed
5 by the parties and the Court, and has resulted in the Court’s rejection of Illinois and Washington’s
6 arguments as they relate to the ability of the IPPs to bring and settle injunctive claims under
7 federal law. *See, e.g.*, Order Denying States of Illinois and Washington’s Motion to Modify the
8 IPPs’ Class for Injunctive Relief (Dkt. 4715); and Order re: States of Illinois and Washington’s
9 Administrative Motion to Clarify January 30 Order (Dkt. 4885). The IPPs hereby incorporate by
10 reference the holdings in these Orders, along with their arguments in the related briefing. This
11 objection should be overruled.

12 **3. The Cashion, Kress, Schulte, and McDonough Objections Should Be Overruled**

13 Objectors Cashion, Kress, Schulte, and McDonough object only to the IPP attorney fee
14 motion and incentive award request for IPP class representatives. *See* Dkt. 6814. This objection
15 does not pertain to the Proposed Settlements, and should be overruled. *Accord Officers for*
16 *Justice*, 688 F.2d 625. The Special Master’s Report and Recommendation Re Attorneys’ Fees
17 addresses the propriety of the IPP fee motion and request for class representative incentive awards,
18 and rejects the challenges raised by these objectors. *See* Dkt. 7127 at 2. Moreover, Kress and
19 Schulte refused to testify about the factual basis of their objections. Kress Tr. 22:18–23:22;
20 Schulte Tr. 35:17–37:12 (Clayton Decl. Exs. 11, 8, respectively). The Court should consider
21 striking the objection.

22 **4. The Vinegar Objection Should Be Overruled**

23 Objector Vinegar uses the word “objection” in a letter mailed to the Notice Administrator,
24 but otherwise fails to articulate any objection. This objection should be overruled.

25 **5. The Erwin, Santana, and Rest Objections Should Be Overruled**

26 Objectors Erwin, Santana, and Rest object to *cy pres* distribution and to the IPP attorney
27 fee request. *See* Dkt. 6932. As discussed above, the *cy pres* objection is meritless, does not
28

1 pertain to the Proposed Settlements, and should be overruled. *Accord Officers for Justice*, 688
 2 F.2d 625. The Special Master’s Report and Recommendation Re Attorneys’ Fees addresses the
 3 propriety of the IPP fee motion, and rejects the challenges raised by these objectors. *See* Dkt.
 4 7127 at 2. Moreover, while these objectors have previously filed documents in this case claiming
 5 to be “pro se,” (*see* Dkt. 5498, 5502, 5506), they have at all times been represented by objector
 6 counsel Chris Bandas. *See* Santana Tr. 23:12–22, 24:19–25:13, 49:24–50:8, 59:21–22; Rest Tr.
 7 33:21–34:3, 34:12–22, 35:6–12, 84:7–12; Erwin Tr. 29:9–30:14, 53:20–54:16 (Clayton Decl. Exs.
 8 6, 1, 7, respectively).

9 When an attorney ghostwrites material he knows will be presented to a court, he “cross[es]
 10 the line” and “guides the course of litigation while standing in the shadows of the Courthouse
 11 door.” *Ricotta v. State of Cal.*, 4 F. Supp. 2d 961, 987 (S.D. Cal. 1998), *aff’d sub nom. Ricotta v.*
 12 *State of Calif.*, 173 F.3d 861 (9th Cir. 1999). By not signing court submissions, he “escapes the
 13 professional, ethical, and substantive obligations imposed on members of the bar.” *In re Mungo*,
 14 305 B.R. 762, 767 (Bankr. D.S.C. 2003). “[G]host-writing must be prohibited . . . because it is a
 15 deliberate evasion of a bar member's obligations” pursuant to Local Rules and Rule 11. *Id.* at 768.
 16 Further, it “is a misrepresentation that violates an attorney's duty and professional responsibility to
 17 provide the utmost candor toward the Court.” *Id.* at 769; *see also* Cal. R. Prof. Conduct, Rule 5-
 18 200(B) (“In presenting a matter to a tribunal, a member . . . Shall not seek to mislead the judge,
 19 judicial officer, or jury by an artifice or false statement of fact or law); Tex. Disciplinary R. of
 20 Prof. Conduct, Rule 3.03(a)(1) (“A lawyer shall not knowingly . . . make a false statement of
 21 material fact or law to a tribunal”); *id.* Rule 8.04(a)(3) (“A lawyer shall not . . . engage in conduct
 22 involving dishonesty, fraud, deceit or misrepresentation”).¹² The Court should consider striking
 23 the Erwin, Santana, and Rest objections because of Bandas’s misrepresentations.

24 **6. The Keena Objection Should Be Overruled**

25 Objector Keena objects only to the IPP attorney fee motion and incentive award request for
 26 IPP class representatives. *See* Dkt. 6935. This objection does not pertain to the Proposed
 27 Settlements, and should be overruled. *Accord Officers for Justice*, 688 F.2d 625. The Special

28 ¹² Bandas is a member of the Texas bar. *See* Dkt. 7042.

1 Master's Report and Recommendation Re Attorneys' Fees addresses the propriety of the IPP fee
2 motion and request for class representative incentive awards, and rejects the challenges raised by
3 these objectors. *See* Dkt. 7127 at 2.

4 **7. The Maxwell Objection Should Be Stricken Due To Lack of Standing**

5 Objector Maxwell objects to the plan of distribution, to *cy pres* distribution, and to the IPP
6 attorney fee motion. *See* Dkt. 6936 (note the other objectors named in the objection have
7 withdrawn, *see* Dkt. 7112). Objector Maxwell has not purchased any LCD product, but instead
8 purchased a plasma-display television. Maxwell Tr. 27:2–8 (Clayton Decl. Ex. 5). Accordingly,
9 Maxwell has no standing as a class member to maintain an objection, and therefore the objection
10 should be stricken.¹³ Moreover, as discussed above, the *cy pres* objection is meritless, and the
11 appropriateness of utilizing a uniform, *pro rata* plan of distribution for settlement proceeds is well-
12 established. *See Sullivan v. DB Invs., Inc.*, 667 F.3d 273, 302–04 (3d Cir. 2011), *cert. denied*, 132
13 S. Ct. 1876 (U.S. 2012), *reh'g denied*, 132 S. Ct. 2451 (U.S. 2012). These objections do not
14 pertain to the Proposed Settlements, and should be overruled. *Accord Officers for Justice*, 688
15 F.2d 625. The Special Master's Report and Recommendation Re Attorneys' Fees addresses the
16 propriety of the IPP fee motion, and rejects the challenges raised by these objectors. *See* Dkt.
17 7127 at 2.

18 **8. The Kane/Pridham Objection Should Be Overruled**

19 Objector Kane/Pridham objects only to *cy pres* distribution. *See* Dkt. 6937. As discussed
20 above, the *cy pres* objection is meritless, does not pertain to the Proposed Settlements, and should
21 be overruled. *Accord Officers for Justice*, 688 F.2d 625.

22 **9. The Holland Objection Should Be Overruled**

23
24 ¹³ On November 15, 2012, at the proverbial “11th hour” before this filing, objector counsel
25 George Cochran advised the IPPs that Maxwell wants to make a claim based on a laptop computer
26 purchase that she has never previously disclosed. The IPPs have been provided no evidence, and
27 the sworn testimony of Maxwell at her deposition stating that she is claiming class membership
28 based solely on the purchase of a plasma-display television purchased by her son has not been
controverted by declaration or any other evidence. Regardless of this desperate attempt to salvage
Ms. Maxwell's standing as a class member, the substance of her objections remains meritless and
for all of the reasons stated above, her objection should be overruled and the Cochran fee motion
should be denied.

1 Objector P.C. Holland stated in a letter dated October 12 that the claim filing deadline
 2 should be extended until December. *See* Dkt. 6985. The claim filing deadline is December 6,
 3 2012. Mr. or Ms. Holland has been contacted by the Settlement Administrator advising of this
 4 fact. Niemiec Decl. ¶ 23. The objection should be overruled.

5 **10. The Chesser and Kessel Objection Should Be Stricken for Failure To**
 6 **Comply with Court-Ordered Discovery**

7 Objectors Chesser and Kessel object to *cy pres* distribution and to the IPP attorney fee
 8 request. *See* Dkt. 6991. As discussed above, the *cy pres* objection is meritless, does not pertain to
 9 the Proposed Settlements, and should be overruled. *Accord Officers for Justice*, 688 F.2d 625.
 10 The Special Master's Report and Recommendation Re Attorneys' Fees addresses the propriety of
 11 the IPP fee motion, and rejects the challenges raised by these objectors. *See* Dkt. 7127 at 2.
 12 Moreover, Chesser and Kessel have refused to comply with Court-ordered discovery, and failed to
 13 appear for their noticed depositions. Dkt. 7011 (Special Master's order); Clayton Decl. Exs. 12–
 14 14(non-appearance transcripts for objectors Paul, Kessel, and Chesser). The Court has recently
 15 ordered that counsel Palmer's clients appear for their depositions. *See* Dkt. 7152.

16 **11. The Corporate Broadcast Company, et al. Objection Should Be**
 17 **Overruled**

18 Objectors Corporate Broadcast Company, Bradley, and Martinez objects only to the IPP
 19 attorney fee motion. *See* Dkt. 69935. This objection does not pertain to the Proposed Settlements,
 20 and should be overruled. *Accord Officers for Justice*, 688 F.2d 625. The Special Master's Report
 21 and Recommendation Re Attorneys' Fees addresses the propriety of the IPP fee motion and
 22 request for class representative incentive awards, and rejects the challenges raised by these
 23 objectors. *See* Dkt. 7127 at 2.

24 **IV. CONCLUSION**

25 For the foregoing reasons, and for the reasons contained in the concurrently-filed motion
 26 for final approval, the IPPs and the Settling States respectfully request that the Court overrule all
 27 objections and grant final approval of the Proposed Settlements.

28 //

//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 15, 2012

ZELLE HOFMANN VOELBEL & MASON LLP

By: /s/ Francis O. Scarpulla

Francis O. Scarpulla

Francis O. Scarpulla (41059)
Craig C. Corbitt (83251)
Judith A. Zahid (215418)
Patrick B. Clayton (240191)
Qianwei Fu (242669)
Heather T. Rankie (268002)
ZELLE HOFMANN VOELBEL & MASON LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
Telephone: (415) 693-0700
Facsimile: (415) 693-0770
fscarpulla@zelle.com

Co-Lead Class Counsel for Indirect-Purchaser Plaintiffs

Dated: November 15, 2012

ALIOTO LAW FIRM

By: /s/ Joseph M. Alioto

Joseph M. Alioto

Joseph M. Alioto (42680)
Theresa D. Moore (99978)
ALIOTO LAW FIRM
225 Bush Street, 16th Floor
San Francisco, CA 94104
Telephone: (415) 434-8900
Facsimile: (415) 434-9200
jmalioto@aliotolaw.com

Co-Lead Class Counsel for Indirect-Purchaser Plaintiffs

1 Dated: November 15, 2012

COOPER & KIRKHAM, P.C.

2 By: /s/ Josef D. Cooper
Josef D. Cooper

3
4 Josef D. Cooper (53015)
Tracy R. Kirkham (69913)
COOPER & KIRKHAM, P.C.
5 357 Tehama Street, Second Floor
San Francisco, CA 94103
6 Telephone: (415) 788-3030
7 Facsimile: (415) 882-7040
jdc@coopkirk.com

8 *Counsel for Indirect-Purchaser Plaintiffs*

9
10 Dated: November 15, 2012

CHRIS KOSTER
Attorney General of the State of Missouri

11
12 By: /s/ Anne E. Schneider
Anne E. Schneider

13 Anne E. Schneider
14 Assistant Attorney General/Antitrust Counsel
Brianna Lennon
15 Assistant Attorney General
16 MISSOURI ATTORNEY GENERAL'S OFFICE
P. O. Box 899
17 Jefferson City, MO 65102

18 *Counsel for the State of Missouri*

1 Dated: November 15, 2012

PAMELA JO BONDI
Attorney General
State of Florida

2
3 By: /s/ Lizabeth A. Brady
4 Lizabeth A. Brady

5 PATRICIA A. CONNERS
Associate Deputy Attorney General
6 ANTITRUST DIVISION
Lizabeth A. Brady
7 Chief, Multistate Antitrust Enforcement
Nicholas J. Weilhammer,
8 Assistant Attorney General 1, The Capitol
9 Tallahassee, Florida 32399-1050

10 *Counsel for the State of Florida*

11
12 Dated: November 15, 2012

DUSTIN MCDANIEL
Attorney General of the State of Arkansas

13
14 By: /s/ Kevin Wells
Kevin Wells

15 Kevin Wells
16 Assistant Attorney General
ARKANSAS ATTORNEY GENERAL OFFICE
17 323 Center St., Suite 500
18 Little Rock, AR 72205

19 *Counsel for the State of Arkansas*

20 Dated: November 15, 2012

KAMALA D. HARRIS
Attorney General of California

21
22 By: /s/ Nicole Gordon
23 Nicole Gordon

24 Nicole Gordon
25 Deputy Attorney General
Office of the Attorney General
26 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-3664

27 *Counsel for the State of California*

1 Dated: November 15, 2012

STATE OF MICHIGAN
BILL SCHUETTE
Attorney General

2
3 By: /s/ M. Elizabeth Lippitt
4 M. Elizabeth Lippitt

5 M. Elizabeth Lippitt
6 Assistant Attorney General
7 Corporate Oversight Division
8 Antitrust Section
9 G. Mennen Williams Building, 6th Floor
525 W. Ottawa Street
Lansing, Michigan 48933

10 *Counsel for the State of Michigan*

11 Dated: November 15, 2012

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

12
13 By: /s/ Amy McFarlane
14 Amy McFarlane

15 Amy McFarlane
16 Assistant Attorney General
17 Antitrust Bureau
18 OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
120 Broadway, 26th Floor
New York, NY 10271

19 *Counsel for the State of New York*

20
21 Dated: November 15, 2012

DARRELL V. MCGRAW, JR.
Attorney General, State of West Virginia

22
23 By: /s/ Douglas L. Davis
24 Douglas L. Davis

25 Douglas L. Davis
26 Assistant Attorney General
27 P.O. Box 1789
Charleston, WV 25326

28 *Counsel for the State of West Virginia*

1 Dated: November 15, 2012

J.B. VAN HOLLEN
Attorney General of the State of Wisconsin

2
3 By: /s/ Gwendolyn J. Cooley
Gwendolyn J. Cooley

4 Gwendolyn J. Cooley
5 Assistant Attorney General
6 P.O. Box 7857
7 17 W. Main St.
8 Madison, WI 53707-7857

Counsel for the State of Wisconsin

9
10 **ATTESTATION**

11 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest that I have
12 obtained the concurrence in the filing of this document from all signatories.
13

14 Dated: November 15, 2012

/s/ Francis O. Scarpulla
Francis O. Scarpulla

15
16 3240485v2

This Document Contains the Following Appendices:

Attorneys

Appendix A – Examples of Cases in Which Darrell Palmer Has Filed Objections and Dismissed, Abandoned or Withdrawn the Objections or Appeal Without Attaining Settlement Changes or Additional Benefits for the Class

Appendix B – Examples of Cases in Which Christopher Bandas Has Filed Objections and Dismissed, Abandoned or Withdrawn the Objections or Appeal Without Attaining Settlement Changes or Additional Benefits for the Class

Appendix C – Objections to Settlements Filed by Mark Lavery, Christopher V. Langone and/or Grenville Pridham, and Other Selected Judicial Criticism

Appendix D – Selected Objections to Settlements and Related Appeals Filed by N. Albert Bacharach

Appendix E – Selected Objections to Settlements and Related Appeals Filed by Steve A. Miller

Appendix F – Objections to Settlements Filed by Jonathan E. Fortman

Appendix G – Objections to Settlements Filed by John C. Kress

Appendix H – Objections to Settlements Filed by J. Scott Kessinger

Appendix I – Objections to Settlements Filed by George W. Cochran

Objectors

Appendix J – Objections to Settlements by Mark Schulte

Appendix K – Objections to Settlements by Andrea Pridham

Appendix L – Objections to Settlements by Alison Paul

Appendix M – Objections to Settlements by Stefan Rest

Appendix N – Objections to Settlements by Luis Mario Santana

APPENDIX A

Examples of Cases in Which Darrell Palmer Has Filed Objections and Dismissed, Abandoned or Withdrawn the Objections or Appeal Without Attaining Settlement Changes or Additional Benefits for the Class

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Arthur v. Sallie Mae, Inc.</i> (W.D. Wash., No. 10-CV-00198-JLR)	Judith Harper; Patrick Sweeney; Sasha McBean	<p>Final approval granted and fees awarded 9/17/12. On 9/14/12, the court granted plaintiffs' motion to revoke Palmer's <i>pro hac vice</i> application.</p> <p>In addressing Palmer's motion for attorneys' fees at the 9/14/12 hearing, Judge James L. Robart stated: "First of all, many of [Palmer's] motions since the motion to intervene have been rejected by the court, suggesting that the actions were to disrupt and delay, which is consistent with the fact that Mr. Palmer is a, and I'll use the phrase 'professional' not in any favorable sense, objector. I believe that he has previously been labeled that by one of my colleagues." 9/14/12 Hearing Tr. 16:8-14.</p>	Not filed.	Not applicable.
<i>Bang v. U.S. Fidelity and Guar. Co.</i> (Cal. Super. Ct., Alameda Cty., No. RG06273805)	Alberto Trujillo	Settlement approved and fees awarded 4/26/11.	Filed 6/24/11 (Cal. App. 1st Dist., Div. 1, No.A132422).	The appellate court granted plaintiffs' motion to dismiss the appeal (joined by defendants and opposed by Trujillo) on 12/22/11.

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Berger v. Property I.D. Corp.</i> (C.D. Cal., No. CV 05-5373 GHK (CWx))	Joseph Palmer (actually Darrell Palmer, appearing proper, under his first name)	Award of fees, to which Palmer had objected, granted 1/28/09 (Dkt. 899); final approval granted in separate order of that date (Dkt. 900). Objections not mentioned in either order.	Not filed.	Not applicable.
<i>In re Broadcom Corporation Class Action Litig.</i> (C.D. Cal., No. 06-cv-5036-R (CWx))	Smokestack Lightning Ltd. "Marisco"	Overruled and \$10,000 appeal bond required (Dkt. 356; 8/11/10).	Filed 9/10/10 (9th Cir., No. 10-56435).	Voluntarily dismissed (Dkt. 8, 11/4/10).
<i>Browning v. Yahoo! Inc., et al.</i> (N.D. Cal., No. C04-01463 HRL)	Norman Palmer (Darrell Palmer's brother), Richard Oster; Jeff Heinrichs	Overruled (2007 U.S. Dist. LEXIS 86266; 11/16/07).	Filed 12/14/07 (9th Cir., No. 07-17326).	Voluntarily dismissed (Dkt. 12, 5/2/08).
<i>In re Cellphone Termination Fee Cases</i> (Alameda Super. Ct., JCCP No. 4332)	Carol Barrett; Robert R. Oubre, Sr.	Final approval granted and fees awarded 7/21/10 in separate orders. Objections not mentioned in either of the orders.	Filed 9/17/10 (Cal. App. 1st Dist., No. A129887).	Voluntarily dismissed (3/10/11).
<i>In re Chiron Shareholder Deal Litig.</i> (Alameda Super. Ct., No. RG05230567)	Carrie B. Savage	Final approval granted and fees awarded 7/25/06 in separate orders. Objections not mentioned in either of the orders.	Filed 9/6/06 (Cal. App. 1st Dist., No. A115432).	Abandonment of appeal filed (10/18/06).
<i>Collins v. American Honda Motor Co.</i> (Alameda Super. Ct., No. RG03099677)	Elizabeth Blanks; Ancle W. Cummins, Jr.; Irving S. Bergrin	Final approval granted and fees awarded 12/28/06. The order states that the objections were considered but does not otherwise mention them.	Blanks/Cummins appeal filed 2/22/07 (Cal. App. 1st Dist., No. A117120); Bergrin appeal filed 2/26/07 (Cal. App. 1st Dist., No. A117125).	Blanks/Cummins and Bergrin appeals voluntarily dismissed (6/15/07).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>In re: Countrywide Financial Corp. Customer Data Security Breach Litig.</i> (W.D. Ky., No. 08-MD-01998)	Winfield C. Scott	Memorandum Opinion on final approval and fees found objections to be without merit (Dkt. 297, 8/23/10).	Filed 9/22/10 (6th Cir., No. 10-6194).	Voluntarily dismissed (Doc. No. 006110805529, 12/2/10).
<i>In Re: Currency Conversion Fee Antitrust Litig.</i> (S.D.N.Y., MDL No. 1409)	Richard Melton Construction, Inc.; Dirk F. Sutro	Final approval granted and fees awarded on 10/22/09 (263 F.R.D. 110). There were 76 objectors to the settlement. For each of their points, the court said the objections were either without merit or moot. Certain objectors sought fees. <i>“The objectors in this case did little to aid this Court. While there were modifications to the notice program, these modifications were entirely on the Court’s initiative and devised by the Special Master and the parties. As for fees, the objections were so general and repetitive that they were of no assistance to an area with which this Court is intimately familiar.” Id. at 132 (emphasis added).</i>	Not filed.	Not applicable.
<i>Dervaes v. California Physicians’ Service d/b/a Blue Shield of California</i> (Alameda Super. Ct., No. RG06262733)	Alison H. Paul	Final approval granted and fees awarded 4/2/10. Objections not mentioned in order and judgment.	Filed 6/1/10 (Cal. App. 1st Dist., No. A128696).	Abandonment of appeal filed (6/4/10).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Elihu v. Toshiba America Information Systems</i> (Los Angeles Super. Ct., No. BC328556)	David Schaefer	Judgment entered 5/31/07.	Filed 7/27/07 (Cal. App. 2nd Dist., No. B201331).	Voluntarily dismissed (4/24/08).
<i>Embry v. Acer Am. Corp.</i> (N.D. Cal., No. 09-cv-1808-JW)	Christopher Bandas	Objection filed 1/23/12. Final approval of settlement granted 2/14/12.	Filed 3/12/12 (9th Cir., No. 12-15555).	On 7/31/12, then-Chief Judge James Ware issued an order requiring objector Bandas to either post an appellate bond in the amount of \$70,650 or file a notice of dismissal of his appeal (Dkt. 265). Bandas sought a stay of the order, which the court denied on 8/22/12 (Dkt. 272). On 8/29/12, Judge Ware found Bandas in contempt and struck his objection (2012 WL 3777163). Bandas appealed that order on 9/6/12 (Dkt. 276). Plaintiffs filed a motion for sanctions against Bandas on 9/28/12 (Dkt. 277). On 10/2/12, the Ninth Circuit granted a motion by Bandas to dismiss his appeal (Dkt. 280).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>In re Enron Corporation Securities Litig.</i> (S.D. Tex., No. H-01-3624)	Larry Fenstad; Dorothy Lancaster McCoppin	On 9/8/08, all objections were overruled or found to be without merit in the order awarding fees (586 F. Supp. 2d 732) and the plan of allocation of the settlement proceeds (2008 U.S. Dist. LEXIS 84656).	Filed 10/3/08 (5th Cir., No. 08-20648).	Stipulated dismissal filed 9/10/09 (Doc. No. 0051920399).
<i>In re: Epson Ink Cartridges</i> (Los Angeles Super. Ct., JCCP 4347)	Elaine Savage; Edward Siegel; Andy Lui; Albert Lui	Judgment entered 10/23/06.	Filed 12/18/06 (Cal. App. 2nd Dist., No. B195818).	Voluntarily dismissed (1/29/07 – Savage, Andy Lui and Albert Lui; 3/13/07 – Siegel).
<i>Fogel v. Farmers Group, Inc.</i> (Los Angeles Super. Ct., No. BC300142)	Steven Cope; Mark Johnson; James Vallee; James Rudolph; Lorena Rudolph; Estella Reyes; Melondy Varela; Michael Casey	Settlement approved and fees awarded 12/21/11.	Filed 2/21/12 (Cal. App. 2nd Dist., No. B238538).	Abandonment of appeal filed 8/23/12.
<i>In re: Ford Explorer Cases</i> (Sacramento Super. Ct., JCCP Nos. 4266 and 4270)	JWC Construction, Inc.; Misty Carter	Objections overruled in 6/27/08 fee order and 7/30/08 judgment.	Filed 9/26/08 (Cal. App. 3rd Dist., No. C060067).	Abandonment of appeal filed (11/21/08).
<i>Friedman v. 24 Hour Fitness USA, Inc.</i> (C.D. Cal., No. CV-06-06282)	Toni Ozen	Overruled 7/12/10.	Filed 8/11/10 (9th Cir., No. 10-56289).	Stipulated dismissal (Dkt. 3, 8/20/10).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Gemelas v. Dannon Co.</i> (N.D. Ohio, No. 08-CV-236)	Steven P. Cope	Judgment, Final Order and Decree (Dkt. 71, 6/24/10) indicates objections were considered. In his Order on Plaintiff's Motion for a Bond to Secure Payment of Costs and Attorneys' Fees on Appeal, Judge Dan Aaron Polster stated, " <i>The only objections to the settlement were lodged by what now appear to be 'serial objectors.'</i> " 2010 U.S. Dist. LEXIS 99503, at *5 (N.D. Ohio Aug. 31, 2010) (emphasis added).	Not filed.	Not applicable.
<i>In re General Motors Dex-Cool Gasket Cases</i> (Alameda Super. Ct., JCCP No. 4495)	Jonathan L. Booze	Overruled in 10/23/08 final approval and fee order. On 12/5/08, all of the objectors filed a joint notice of withdrawal of their objections.	Not filed.	Not applicable.

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Herfert v. Crayola, LLC</i> (W.D. Wash., No. C11-1301-JCC)	Amber Pederson	Final approval granted and fees awarded 4/27/12.	Filed 5/14/12 (9th Cir., No. 12-35393).	Voluntarily dismissed (Dkt. 21, 9/26/12). Shortly before the dismissal, District Court Judge John C. Coughenour found, in the underlying case, that “Mr. Palmer falsely declared under penalty of perjury that he had not been disbarred or formally censured by a court of record or by a state bar association” when he had been temporarily suspended from three state bars, including that of California, due to a felony conviction. Order Denying Application of Claimant’s Counsel Darrell Palmer to Appear Pro Hac Vice, dated 8/17/12.
<i>Hoffman v. Citibank (South Dakota) N.A.</i> (C.D. Cal., No. No. CV-06-00571)	Joseph Balla; Andrew J. Cesare; Todd Bates	Fees awarded (12/17/10 and 12/22/10) and settlement approved (12/22/10) in separate orders. Objections not mentioned in the orders.	Filed 1/18/11 (9th Cir., No. 11-55106).	Voluntarily dismissed (Dkt. 7, 3/23/11).
<i>Johnson v. Apple, Inc.</i> (Santa Clara Super. Ct., No. 109CV146501) (regarding iTunes gift cards)	Alison Paul; Edmund F. Bandas	Final approval granted and fees awarded 4/20/12.	Filed 6/19/12 (Cal. App. 6th Dist., No. H038218).	Abandonment of appeal filed (8/15/12).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Koller v. Int'l. Rectifier Corp.</i> (C.D. Cal., No. CV-07-02544)	Cascia II, LLC	Objection filed 1/25/10; withdrawn 2/1/10.	Not filed.	Not applicable.
<i>In re: Lifelock, Inc. Marketing and Sales Practices Litig.</i> (D. Ariz., No. 2:08-MD-01977-MHM)	Billy Daniels	The final approval and fee order of 8/31/10 (Dkt. 218) states: “[T]he Parties demonstrated in their Response to Objections that none of the asserted bases for objection is valid.” Slip op. at 9.	Filed 9/30/10 (9th Cir., No. 10-17177).	Voluntarily dismissed (Dkt. 16, 1/5/11).
<i>Mackay v. 21st Century Ins. Co.</i> (Cal. Super. Ct., Los Angeles Cty., No. BC 297438)	Gregory Piccionelli; Arelly Amaya	Settlement approved and fees awarded 2/16/11.	Filed 3/16/11 (Cal. App. 2nd Dist., No. B231762).	Abandonment of appeal filed 4/28/11.
<i>In re Mercury Interactive Corp. Securities Litig.</i> (N.D. Cal., No. 5:05-cv-03395-JF)	Marshall J. Orloff IRA R/O FCC as Custodian for AllianceBernste in US Focs Bld, Marshall J. Orloff TTEE and Ann S. Orloff TTEE OFI S&P 500 Enhanced Core and Orloff Fam Tr UAD 12/13/01 Marshall J. Orloff & Ann S. Orloff TTEES Penn Small Cap Core	Objection filed 1/13/11; withdrawn 2/25/11.	Not filed.	Not applicable.

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Papadakis v. Northwestern Mutual Life Ins. Co.</i> (Los Angeles Super. Ct., No. BC322788)	Marci R. Frenkel; Eric Zeigenhorn; Norma Hoffman; Stuart Mintz; Kirk Stewart; Steven Sindell; Paul M. Kaufman	Objection filed 12/4/08. Final approval order and judgment entered 2/20/09.	Filed 4/2/09 (Cal. App. 2nd Dist., No. B214789).	Voluntarily dismissed (8/24/10).
<i>Salcido v. Iovate Health Sciences USA, Inc.</i> (Los Angeles Super. Ct., No. BC387942)	Cassie Griffin	Objection filed 8/28/09; withdrawn 9/24/09.	Not filed.	Not applicable.
<i>Savaglio v. Wal-Mart Stores, Inc.</i> (Alameda Super. Ct., No. C-835687)	Joseph D. Wilkins; Evelyn Zientek	Final approval of settlement granted 4/8/10, overruling objections except as to amount of attorneys' fees. The 9/10/10 order on fees indicated that the court had "rejected all objections to the requested fee award."	Not filed.	Not applicable.
<i>In re Smokeless Tobacco Cases I, II</i> (San Francisco Super. Ct., JCCP Nos. 4250, 4258, 4259, 4262)	Norman D. Palmer	At the 3/12/08 final approval hearing, Judge Richard A. Kramer questioned Darrell Palmer at length about Norman; the same day, the objection was withdrawn.	Not filed.	Not applicable.
<i>Troyk v. Farmers Group, Inc.</i> (San Diego Super. Ct., No. GIC836844)	Arthur Carapia	Judgment entered 11/23/10.	Filed 1/15/10 (Cal. App. 4th Dist., Div. 1, No. D056803).	Abandonment of appeal filed (3/4/10).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>In re: Uponsor, Inc., F1807 Plumbing Fittings Prods. Liability Litig.</i> (D. Minn., MDL No. 2247)	Paul Palmer; Jeffrey Palmer	Objection filed 6/18/12. Motions for final approval of settlement and for attorneys' fees granted 6/29/12; judgment entered 7/9/12.	Filed 8/2/12 (8th Cir., No. 12-2824). Darrell Palmer did not appear as counsel until 9/20/12.	The appeal was dismissed by the Eighth Circuit on 10/31/12 following the failure of two groups of objectors (including those represented by Darrell Palmer) to pay a \$20,000 appeal bond, as ordered by the trial court on 9/11/12.
<i>In re Vitamins Antitrust Litig.</i> (D.D.C., MDL No. 1285)	Neil Freedman; Teri Cunningham	Objections found to be without merit in final approval order (Dkt. 4888, 6/25/10).	Filed 7/23/10 (D.C. Cir., No. 10-7096).	Stipulated dismissal entered 9/2/10 (Doc. No. 1263938).
<i>In re: Wal-Mart Stores, Inc. Wage and Hour Litig.</i> (N.D. Cal., No. 06-CV-02069 SBA)	Joseph D. Wilkins; Nicole Clemente; Lolita Wells	Objections filed 9/7/10; withdrawn 11/6/10.	Not filed.	Not applicable.
<i>Williams v. Biotab Nutracueticals, Inc.</i> (Cal. Super. Ct., Los Angeles Cty., No. BC414808)	Fatima Dorego	Final approval of settlement entered 4/18/11.	Filed 5/25/11 (Cal. App. 2nd Dist., No. B233278).	Voluntarily dismissed (10/4/11).
<i>Wilson v. Airborne, Inc.</i> (C.D. Cal., No. CV-05-00770)	Denise Fairbank; Falicia Estep	Objections overruled in final approval and fee order (Dkt. 170, 8/13/08).	Filed 11/4/08 (9th Cir., No. 08-56819).	Voluntarily dismissed (Dkt. 10, 2/20/09).
<i>Yeagley v. Wells Fargo & Co.</i> (N.D. Cal., No. C-05-3403-CRB)	Rose A. Munoz	Objection filed 6/8/07; withdrawn as indicated in 10/18/07 order stating that plaintiffs' counsel had agreed to pay the objectors' attorneys fees.	Not filed.	Not applicable.

APPENDIX B

Examples of Cases in Which Christopher Bandas Has Filed Objections and Dismissed, Abandoned or Withdrawn the Objections or Appeal Without Attaining Settlement Changes or Additional Benefits for the Class

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<p><i>Brown v. Wal-Mart Stores, Inc.</i> (Ill. Cir. Ct., Fourteenth Judicial Cir., No. 01 L 85)</p>	<p>Jill Carlson</p>	<p>Relevant excerpts from 10/29/09 “Order Denying Objections to the Settlement and Fees and the Motion to Intervene and for Pro Hac Vice Admission”:</p> <p>“Christopher Bandas ... is a Texas lawyer well known for his practice of routinely filing objections in class action settlements across the country.</p> <p>“The Bandas Objection filed on behalf of Ms. Carlson is a generic boilerplate objection prepared and filed by attorneys working for their own personal benefit and not for the benefit of this Class or for those lawyers’ client. The record before the Court demonstrates that Bandas is a professional objector who is improperly attempting to ‘hijack’ the settlement of this case from deserving class members and dedicated, hard working counsel, solely to coerce ill-gotten, inappropriate and unspecified ‘legal fees.’ Bandas has filed virtually identical, frivolous objections in South Carolina, Iowa, Missouri and Florida in settlements of similar wage and hour class actions against Wal-Mart.</p> <p>“In Missouri, Bandas’ local counsel appeared at the final fairness hearing but only to withdraw as counsel due to the fact that he could not in ‘good conscience...continue to work toward the strategic objectives outlined...by Mr. Bandas.’ Judge Midkiff entered separate orders nullifying the Bandas objection and denying his motion for admission pro hac vice. ... This did not dissuade Bandas from filing a Notice of Appeal (with new local counsel)...</p>	<p>Unknown.</p>	<p>Unknown.</p>

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
		<p>“The Court finds that a lack of involvement and participation by Ms. Carlson and her counsel, combined with their attempt to inject themselves at the last minute into this eight year litigation constitutes an effort to extort money from the Class and/or Class Counsel. Though filed by two lawyers, the Bandas Objection offers nothing in the way of specific criticisms of the proposed Settlement. The content of the Bandas Objection demonstrates that neither Ms. Carlson nor her counsel has ever visited the settlement website or read the Stipulation of Settlement in this case.</p> <p>“The Court therefore strikes the Bandas Objection for failure of proof, and failure to demonstrate that the objector is acting on behalf of the Class.</p> <p>“In <i>In re: Dynamic Random Access Memory Antitrust Litigation</i>, filed in the Northern District of California, Bandas withdrew his objection after ‘further investigation,’ which revealed that Bandas wholly failed to adhere to his Rule 11 obligations to thoroughly investigate his client’s claims.</p> <p>“In Miller County, Arkansas, attorney Bandas filed a canned objection in <i>Lane’s Gifts and Collectibles, LLC v. Yahoo! Inc.</i> The court denied the objection. Attorney Bandas then appealed, but he withdrew the appeal 48 hours later.</p> <p>“Most recently, in March 2009, Bandas withdrew an objection to a proposed settlement he filed in a class action pending in Oklahoma, <i>Sacket v. Great Plains Pipeline Co., et al.</i> The withdrawal came only after</p>		

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Carter v. Wal-Mart Stores, Inc.</i> (S.C. Ct. Com. Pleas, Colleton Cty., No. 06-CP-15-839)	Tabitha Forward	<p>counsel for the class vehemently opposed the objection, highlighting Bandas' history of filing canned objections at the last moment in an effort to extort attorneys' fees."</p> <p>Relevant excerpts from 6/3/09 "Order Denying Objections to Settlement Between Class Plaintiffs and Wal-Mart":</p> <p>"The second objection ... was purportedly filed on behalf of a class member by a member of the South Carolina Bar and Christopher Bandas, a Texas lawyer well known for his practice of routinely filing objections in class action settlements across the country. The Court was informed that Mr. Bandas and a Missouri attorney had filed a virtually identical objection in <i>Hale v. Wal-Mart</i>, pending in Missouri. Bandas' Missouri objection was nullified after his local counsel withdrew and no one appeared on Bandas' behalf at the Missouri Fairness Hearing.</p> <p>"[I]n spite of the fact that no one appeared to offer any evidence or testimony in support of the Bandas objection, in spite of the fact that the Bandas objection fails to meet the procedural requirements established by this Court, and in spite of the fact that Mr. Bandas is a serial professional objector, I have reviewed and considered the Bandas objection on its merits. The Court finds that, for a plethora of reasons, the Bandas objection lacks substantive merit."</p>	Filed (date unknown).	Voluntarily dismissed (11/19/09).
<i>In re Cellphone Termination Fee Cases</i> , (Alameda Super. Ct., JCCP No. 4332)	Sulekha Anand	The 6/10/08 Final Approval Order and Judgment makes no mention of objections.	Filed 6/26/08 (Cal. App. 1st Dist., No. A122765).	The California Court of Appeal affirmed the judgment. 180 Cal. App. 4th 1110 (2009), <i>rev. denied</i> , 2010 Cal. LEXIS 3458 (Apr. 14, 2010).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Checkmate Strategic Group v. Yahoo! Inc.</i> (C.D. Cal., No. 05-cv-04588-CAS-FMO)	Backwater Safari Guide Service; Larry Ebest; Ruben Lerma	All objections denied (3/26/07 Final Order Approving Settlement and Judgment of Dismissal With Prejudice (Dkt. 200)).	Filed 4/26/07 (9th Cir., No. 07-55597).	Voluntarily dismissed pursuant to stipulation (Dkt. 8, 7/31/07).
<i>Closson v. Bank of America</i> (San Francisco Super. Ct., No. CGC-436877)	Doris Saint; Aaron Petrus; Jan L. Petrus	Overruled (8/3/09 Order Finally Approving Class Action Settlement).	Filed 9/1/09 (Cal. App. 1st Dist., No. A125963).	Voluntarily dismissed (6/23/11).
<i>Conroy v. 3M Corporation</i> (N.D. Cal., No. C 00-2810 CW)	Lillian Rogers	Final approval order and judgment entered 4/21/06. The Court granted plaintiffs' motion to require Bandas to post an appellate cost bond totaling \$431,167. "The Court finds that the Bandas Law Firm and Ms. Rogers' objections to the proposed settlement were unfounded, and therefore views their appeals as unlikely to succeed. ... Ms. Rogers' objections were patently frivolous: her cookie-cutter written objection bore no particular relationship to the circumstances of the settlement here, and at the hearing, her counsel erroneously referred to this case as involving 'defective' tape." 2006 U.S. Dist. LEXIS 96169, at *10-11 (N.D. Cal. Aug. 10, 2006).	Bandas Law Firm, P.C. appeal of final approval order filed 5/25/06 (9th Cir., No. 06-15980). Bandas Law Firm, P.C. appeal of bond order filed 8/21/06 (9th Cir., No. 06-16627).	Appeal of final approval order voluntarily dismissed (9/22/06). Appeal of bond order voluntarily dismissed (9/19/06).
<i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> (N.D. Cal., Master File No. M-02-1486-PJH, MDL No. 1486)	Erwin Bruder; Michael Richline, dba Richline Technical Services	Bruder and Richline objections filed 10/3/06, withdrawn 10/31/06.	Not filed.	Not applicable.
<i>Fleury v. Richemont North America, Inc.</i> (N.D. Cal., No. C-05-4525 EMC)	Mary Meyer	"[T]he Court has considered the objections that were made but none persuade the Court that the settlement should be further altered." 7/3/08 final approval order (Dkt. 278) at 34.	Appeal of final approval order filed 7/23/08 (9th Cir., No. 08-	Both appeals voluntarily dismissed (Dkt. 11, 13, 12/9/08).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
			16724). Appeal of fee order filed 8/13/08 (9th Cir., No. 08-16995).	Stipulated settlement of 12/4/08 in which plaintiffs and defendants paid a combined \$55,000 to Meyer's counsel Bandas and Frank Liuzzi.
<i>Hale v. Wal-Mart Stores, Inc.</i> (Mo. Cir. Ct., Jackson Cty., No. 01 CV 218710)	Debbie Taylor	Unknown.	Filed 7/2/09.	Voluntarily dismissed (11/10/09).
<i>Lane's Gifts and Collectibles, L.L.C. v. Yahoo! Inc.</i> (Ark. Cir. Ct., Miller Cty., No. CV-2005-52-1)	Depo Express; Christopher Bandas; Bandas Law Firm	Final approval order and judgment, and order denying objectors' motion to intervene entered 7/26/06 and 8/1/06.	Filed 8/23/06; withdrawn shortly thereafter.	Not applicable.
<i>Lobo Exploration Company v. BP America Production Company</i> (Okla. Dist. Ct., Beaver Cty., No. CJ-97-72)	Vernon Scott	In its 11/14/05 "Order Striking the 'Objection' of Vernon Scott and Denying the Motion of Christopher Bandas to be Admitted Pro Hac Vice," the court found that Bandas's client was not a class member. "Mr. Scott purports to be a royalty owner in BP America operated wells – this action involves working interest owners, and has absolutely nothing to do with royalty interests. Accordingly, Mr. Scott is not a Class Member and lacks standing to object to the Settlement or to the request for Fees and Costs." The objection was also found to be untimely. A month later, Bandas filed an appeal on behalf of the same objector.	Filed 12/15/05.	Unknown.

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>In re: Managed Care Litig.</i> (S.D. Fla., No. 00-MD-01334)	Ray G. Hooper. M.D.	The 3/15/06 final approval order (Dkt. 4876) indicated that the court had considered the various objections.	Filed 4/12/06 (11th Cir., No. 06-12354-E).	Voluntarily dismissed (on or about 5/9/06).
<i>Mussmann v. Wal-Mart Stores, Inc.</i> (Iowa Dist. Ct., Clinton Cty., No. LACV-27486)	Terry Healy	<p>Relevant excerpts from 10/13/09 “Order Regarding Terry Healy’s Objection and Motion to Intervene”:</p> <p>“Mr. Healy became involved in this lawsuit after being contacted by attorney Jim Roth at the request of Texas attorney Christopher Bandas. Attorney Bandas has filed objections in other similar lawsuits filed in other states. Mr. Bandas is a professional objector counsel.</p> <p>“Mr. Healy knew from the first conversation with Mr. Roth that ‘Mr. Bandas was behind this,’ and that ‘Mr. Bandas was doing this all across the country.’</p> <p>“Neither attorney Bandas, nor attorney Roth advised Mr. Healy that attorney Bandas had been found by a Florida court in the <i>Ouellette</i> Order to be engaging in a conspiracy with his clients and co-counsel to extort money from class members and class counsel, through a similar practice of objecting to the proposed settlement in the Florida Wal-Mart lawsuit.</p> <p>“Terry Healy’s ‘canned’ objection in this matter closely resembles the numerous other objections filed by attorney Bandas in other jurisdictions where Wal-Mart settlements have been finally approved, including South Carolina, Florida and Missouri. The consistency of attorney Bandas’ errors and the similarity between attorney Bandas’ objections across different cases demonstrates the canned nature of the objection and reveals attorney Bandas’ true motives.</p>	Not filed.	Not applicable.

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
		<p>“It is obvious here that the attorneys initiating Mr. Healy’s objection expended minimal time and resources, by filing a ‘canned’ objection to the proposed settlement and then not participating or appearing in any formal sense. In those circumstances, the merits of the objection appear to be of little consequence to the professional objector; causing delay in the settlement process generates their fees and payments, not proving to the trial court that the proposed settlement is inappropriate. ... Upon filing the notice of appeal, the professional objector simply waits for class counsel to succumb to the pressure pay the extorted fees in return for dismissing the appeal and releasing the settlement funds.</p> <p>“[T]his Court concludes that attorney Christopher A. Bandas is a professional objector. The Court is concerned that attorney Bandas is seeking to wrongfully use the class action settlement and objection process for personal gain, and without any corresponding benefit to any individual objector or the settlement class as a whole. Attorney Bandas, acting through local counsel, Mr. Roth, contacted a class member who did not otherwise display any motivation to object or to intervene in the proposed class action settlement.</p> <p>“One Court describes these efforts by attorney Bandas and other professional objectors as ‘extortion.’” (citing <i>Ouellette</i>.)”</p> <p>Re the deposition of objector Healy: “Mr. Healy has no doubt in his mind that the <i>Ouellette</i> Court, when they are talking about extortion of money by these attorneys, including the action of Christopher Bandas. ... Mr. Healy then wanted to stop the deposition, ‘because I think it is a</p>		

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
		<p>farce. ... [T]he fact is that neither one of these two attorneys are willing to intercede on my behalf here, and there's something wrong with that. I'm sorry. So you know, you can bother someone else. I really don't care. ... I was of the understanding I wouldn't have to give a deposition. That's a lie right there. ... I'm here and neither one of these are available to help me out here. I don't really need this. So absolutely I don't want no more [sic] to [do] with this.”</p>		
<p><i>Ouellette v. Wal-Mart Stores, Inc.</i> (Fla. Cir. Ct., Washington Cty., No. 67-01-CA-326)</p>	<p>Kevin Dimla</p>	<p>Relevant excerpts from 8/21/09 “Order and Final Judgment Approving Settlement Between Class Plaintiffs and Wal-Mart Stores, Inc.”:</p> <p>“The Court finds that all of the objections filed against the settlement of this case were all generic boilerplate objections prepared and filed by a group of attorneys who the Court finds have been working through collusion for their own personal benefit and not for the benefit of this class or their clients. ... The Court finds that a lack of involvement and participation of the objectors and their counsel who were not present and a lack of involvement and participation of the attorneys that were present combined with their attempt to inject themselves at the last minute into this eight year litigation constitutes an effort to extort money from the class and/or class counsel. The court struck the objections ... for failure of proof, failure to demonstrate participation in the class action on behalf of the class, and failure to appear at the fairness hearing. Further, the Court finds that all of the objections ... have no substantive merit and the court overrules all of the objections on that additional ground.” Slip op. ¶¶19-20.</p>	<p>Filed 9/25/09 (Fla. App., 1st Dist., No. 1D09-4881).</p>	<p>Voluntarily dismissed (10/29/09).</p>

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>Savaglio v. Wal-Mart Stores, Inc.</i> (Alameda Super. Ct., No. C-835687)	Lolita Wells	Final approval of settlement granted 4/8/10, overruling objections except as to amount of attorneys' fees. The 9/10/10 order on fees indicated that the court had "rejected all objections to the requested fee award."	Not filed.	Not applicable.
<i>In re Smokeless Tobacco Cases I, II</i> (San Francisco Super. Ct., JCCP Nos. 4250, 4258, 4259, 4262)	Sean Hull	Objection filed 2/4/08 in pro per. Involvement of Bandas was divulged on 2/20/08 by Dennis Bartlett, a Denver attorney who was representing Hull. Final approval granted and fees awarded 3/12/08.	Hull filed notice of appeal on 4/11/08.	Voluntarily dismissed (2/26/09).
<i>In re: Wal-Mart Wage and Hour Employment Practices Litig.</i> (D. Nev., MDL No. 1735)	Jessica Gaona	Final approval order of 11/2/09 (Dkt. 491) indicated that the court had considered and rejected the objections. After various objectors appealed the final approval order, the court granted plaintiffs' and defendant's motions for bond pending appeal, stating: "For the reasons articulated at the hearing conducted October 19, 2009, and for the additional reasons advanced by Plaintiff's co-lead class counsel and Defendant Wal-Mart in their respective motions for bond pending appeal, the Court finds that the objections are not supported by law or the facts and are indeed meritless. "Objectors' counsel have a documented history of filing notices of appeal from orders approving other class action settlements, and thereafter dismissing said appeals when they and their clients were compensated by the settling class or counsel for the settling class. "In sum, this Court finds that the Appeals taken by Objectors Gaona, Swift, Andrews and Maddox, are frivolous and are tantamount to a stay of the Judgment entered by this Court on November 2, 2009 approving the comprehensive class settlement in this case which	Filed 11/23/09 (9th Cir., No. 09-17648).	Dismissed by summary affirmance of 11/2/09 final approval order (Dkt. 47, 8/10/10).

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
		<p>provides fair compensation [*18] to millions of class members, as well as injunctive relief ensuring against further loss to persons similarly situated. The Court further finds that the four Objectors should be required to file and [sic] appeal bond sufficient to secure and ensure payment of costs on appeals which in the judgment of this Court are without merit and will almost certainly be rejected by the Ninth Circuit Court of Appeal.” 2010 U.S. Dist. LEXIS 21466 (D. Nev. March 8, 2010), <i>stay denied</i>, 2010 U.S. Dist. LEXIS 52001 (May 25, 2010). The objectors were ordered to pay an appeal bond of \$500,000. 2010 U.S. Dist. LEXIS 21466, at *18-19.</p> <p>In the subsequent order on objectors’ motion to stay the March 8, 2010 ruling, Judge Pro stated: “The argument’s [sic] by Objectors counsel that they misunderstood the law with regard to their obligations to either to comply with this Court’s Order that they post an appeal bond or otherwise seek relief from that Order rings hollow. The conduct of Objectors and their counsel is compounded by their prior demand of \$800,000 to cease their appeals. The obligation of Objectors to comply with this Court’s Order that they post an appeal bond and the justification for their failure to do so falls on the shoulders not only of the four objectors individually, but on those of their counsel.” 2010 U.S. Dist. LEXIS 52001, at *15-16.</p> <p>On 6/3/10, the Ninth Circuit stayed the 5/25/10 bond order pending the appeal of the final approval order, and on 8/10/10 affirmed the district court’s order approving the settlement.</p>		

Case	Client(s)	Outcome of Objection	Appeal	Outcome of Appeal
<i>In re: Wal-Mart Stores, Inc. Wage and Hour Litig.</i> (N.D. Cal., No. 06-CV-02069 SBA)	Nicole Clemente; Lolita Wells	Objections filed 9/7/10; withdrawn 11/6/10.	Not filed.	Not applicable.
<i>Wilson v. Airborne, Inc.</i> (C.D. Cal., No. CV-05-00770)	Kervin M. Walsh	Objections overruled in final approval and fee order (Dkt. 170, 8/13/08).	Filed 9/11/08 (9th Cir., No. 08-56542).	Voluntarily dismissed per stipulation (Dkt. 18, 2/20/09).
<i>Yoo v. Wendy's Int'l.</i> (C.D. Cal., No. CV07-4515 (FMC (JCx)))	Kervin M. Walsh	Settlement approved and fees awarded 3/9/09 (order revised 3/13/09).	Filed 4/8/09 (9th Cir., No. 09-55554).	Voluntarily dismissed (10/26/09).

APPENDIX C
Objections to Settlements Filed by Mark Lavery, Christopher V. Langone and/or Grenville Pridham,
and Other Selected Judicial Criticism

Case	Counsel and Client(s)	Notes
<i>In re Ferrero Litig.</i> (S.D. Cal., No. 11-cv-00205-H-KSC)	Grenville Pridham, Mark Lavery and Christopher V. Langone representing Courtney Drey and Andrea Pridham	Objection filed 6/8/12 to the settlement of this false-advertising class action involving Nutella. On 7/9/12, the court overruled the objections (including one by Michael E. Hale, represented by Christopher Bandas) and granted final approval of the settlement; Drey and Pridham appealed on 8/7/12; Hale appealed two days later.
<i>In re Nutella Marketing and Sales Practices Litig.</i> (S.D. Cal., No. 11-cv-205-H-CAB)	Christopher V. Langone representing Agatha Bochenek, Edward Hegele and Brandon Goodman	Objections filed 6/8/12. Final approval was granted on 7/31/12; Langone appealed this on 8/29/12. Plaintiffs filed a motion on 10/1/12 requesting that Langone's clients and several other objectors post a collective appellate bond of \$42,500. Plaintiffs' reply in support of the motion was filed 11/7/12.
<i>In re Groupon Marketing and Sales Practices Litig.</i> (S.D. Cal., No. 11-cv-205-H-CAB)	Grenville Pridham, Mark Lavery and Christopher V. Langone representing Andrea Pridham	Objection filed 7/27/12.
<i>In re Online DVD Rental Antitrust Litig.</i> (N.D. Cal., MDL No. 2029)	Grenville Pridham, Mark Lavery and Christopher V. Langone representing John Sullivan	After previously objecting, Sullivan filed a notice of appeal on 4/30/12. The Sullivan appeal was consolidated with others, and Sullivan filed his appellate reply brief on 11/9/12.
<i>In re Classmates.com Consol. Litig.</i> (W.D. Wash., No. CV 09-45 RAJ)	Mark Lavery representing Christopher V. Langone	Objection filed 12/7/11. On 1/13/12, Langone filed a motion for \$180,000 in attorneys' fees and a \$50,000 service award. In denying the motion on 6/15/12, the court stated: "Mr. Langone and his counsel appear to be convinced that their efforts led to the improvements in the settlement. They are mistaken. . . . Mr. Langone . . . did more to slow this litigation than to improve results for class members. . . . Mr. Langone's objections did not contribute significantly to obtaining any benefit for the class. [¶] Finally, the court observes that Mr. Langone's request for a \$50,000 participation award is

Case	Counsel and Client(s)	Notes
		<p>egregious. The court has already declined to award as little as \$2,500 to [the class representatives], although they have had some involvement in this case from its outset. Mr. Langone overreaches wildly by requesting twenty times as much for his participation.” Dkt. No. 211, slip op. at 14-15.</p> <p>Langone filed a notice of appeal on 7/16/12, along with a motion for sanctions against plaintiffs’ counsel. On 8/23/12, Langone withdrew the motion for sanctions and filed a motion to voluntarily dismiss his appeal. The Ninth Circuit granted the latter on 8/27/12.</p>
<i>Hall v. AT&T Mobility</i> (D.N.J., No. 07-5325 (JLL))	Mark Lavery representing Christopher V. Langone	<p>From order granting final approval, awarding attorneys’ fees and overruling objections, 2010 WL 4053547, at *5 n.6 (D.N.J. Oct. 13, 2010):</p> <p>“Although the Court allowed attorney Mark Lavery to make arguments on behalf of Objector Langone during the fairness hearing in this matter, Mr. Lavery’s eligibility to practice before this Court later became an issue. By way of Order dated July 22, 2010, this Court’s Order conditionally admitting Mr. Lavery <i>pro hac vice</i> was vacated, Mr. Lavery’s motion for <i>pro hac</i> admission was denied and all arguments raised by Mr. Lavery at the fairness hearing were stricken from the record. <i>See</i> Docket Entry No. 570. A motion for reconsideration of this Court’s decision is currently pending before the Court. In the interest of justice, the Court has, in any event, considered the arguments raised by Mr. Lavery on behalf of Objector Langone in assessing the fairness of the Class settlement.”</p> <p>On 11/12/10, Langone appealed the final approval and fee orders, and on 12/22/10, the order denying his motion for reconsideration of the order vacating his <i>pro hac vice</i> admission. On 9/14/11, the Third Circuit dismissed the two appeals pursuant to a stipulation between the parties.</p>
<i>Ercoline v. Unilever United States, Inc.</i> , No. 10-cv-1747-SRC (D.N.J)	Christopher V. Langone representing Cassandra Sabota	On 10/19/10, Langone filed a motion to reconsider the order preliminarily approving this settlement. The court denied this motion on 12/7/10, and on 3/21/11, granted final approval. Langone appealed this on 4/20/11, and stipulated to dismiss the appeal on 10/28/11.
<i>Crawford v. Equifax Payment Servs.</i> , 201 F.3d 877, 881-82 (7th Cir. 2000)		<p>Langone represented a plaintiff (rather than an objector) in this class action. The Seventh Circuit reversed the order of the trial court approving settlement, stating:</p> <p>“All questions of notice and opt-out aside, the settlement is substantively</p>

Case	Counsel and Client(s)	Notes
		<p>troubling. Crawford and his attorney [Langone] were paid handsomely to go away; the other class members received nothing (not even any value from the \$5,500 ‘donation’) and lost the right to pursue class relief. By agreeing to a class definition so broad that it included anyone who was sent a letter ‘similar’ to the one he had received, Crawford consented to a class of approximately 214,000 members, which ensured that none could recover much-recall that the cap under § 1692k(a)(2)(B)(ii) is \$500,000, implying a maximum award of \$2.34 apiece, and if Equifax's net worth is less than \$50 million then the cap is even lower.”</p> <p>“[M]ost of the money went to [Langone].”</p>

APPENDIX D
Selected Objections to Settlements and Related Appeals Filed by N. Albert Bacharach

Case	Client(s)	Notes
<i>Blessing v. Sirius XM Radio Inc.</i> (S.D.N.Y., No. 09-cv-10035 (HB)(RLE))	Steven Crutchfield; Scott D. Krueger; Asset Strategies, Inc.; Charles Zuravin; Jennifer Deachin	Objection filed 7/18/11. Final approval granted and fees awarded 8/24/11. Notice of appeal filed 9/23/11. Bacharach's first appearance for objectors-appellants was an oral argument statement filed in the appeal on 4/16/12. The appeal is fully briefed and oral argument is currently set for 11/28/12.
<i>In re American Intl. Group, Inc. Sec. Litig.</i> (S.D.N.Y., No. 04-cv-08141-DAB)	Alan Rothstein; Mollye Rothstein; Rinis Travel Service Inc. Profit Sharing Trust (PST) U/A 06/01/89; Rinis Travel Service Inc. Profit Sharing Plan (PSP) U/A 06/01/89; Steve A. Miller, P.C. Profit Sharing Plan	On 2/15/12, the Second Circuit affirmed the district court's 12/2/10 denial of the Rothsteins' objection to the settlement. 452 Fed. Appx. 75, 77 (2d Cir.), <i>cert. denied</i> , 2012 WL 2811680 (Oct. 1, 2012). On 2/22/12, Steve A. Miller, P.C. Profit Sharing Plan ("Miller") appealed the district court's 2/2/12 order and final judgment approving the settlement (2012 WL 345509). On 3/6/12, Rinis Travel Service and the Rothsteins appealed that order, and related orders approving the settlement and awarding fees, as well as a 1/8/12 order overruling their objection. Bacharach substituted as counsel for Miller on 3/19/12. On 9/28/12, Bacharach notified the Second Circuit that both appeals were being voluntarily dismissed pursuant to an agreement with appellees.
<i>Kardonick v. JP Morgan Chase & Co.</i> (S.D. Fla., No. 10-cv-23235-WMH)	William McWhorter	Objection filed 8/19/11. Final judgment entered 9/16/11; Bacharach filed notice of appeal 10/14/11. Order granting voluntary dismissal of several appeals, including McWhorter's, entered 5/10/12.
<i>CLRB Hanson Inds., LLC v. Google, Inc.</i> (N.D. Cal., No. C 05-03649 JW PVT)	Weiss & Associates, P.C.	Matthew Weiss filed a settlement objection on 7/14/09; subsequently, his then-counsel, Alan Sherwood, filed a Notice of Scrivener's Errors changing the name of the objector to Weiss & Associates. PC. The Weiss objection was overruled, the settlement was approved and fees were awarded on 9/14/09. Weiss & Associates filed notice of appeal on 10/14/09 (9th Cir., No. 09-17380), and Bacharach made his appearance as counsel for Weiss on 11/4/09. On 1/5/12, the Ninth Circuit affirmed the trial court's approval of the settlement and award of attorneys' fees. 465 Fed. Appx. 617 (9th Cir. 2012).
<i>In re Insurance Brokerage Antitrust Litig.</i> , 579 F.3d 241 (3d Cir. 2009), and 282 F.R.D. 92 (D.N.J. 2012)	Lacy Redd; Cross & Sir	The Third Circuit affirmed D.N.J. orders granting final approval of settlement and awarding attorneys' fees.

Case	Client(s)	Notes
<i>Faught v. American Home Shield Corp.</i> , 668 F.3d 1233 (11th Cir. 2011)	John Howe; Jenny Hill; Jennifer Deachin; Michael McKibben; Kenneth Behrend; Pamela Behrend; Sabrina Williams; Jeff Williams; Janet Wood	Settlement approved and attorneys' fees awarded 4/27/10 (N.D. Ala., No. 07-cv-01928-RDP). Notice of appeal filed 5/27/10 (11th Cir., No. 10-12536). Bacharach appeared in the appeal on 12/22/10. On 10/31/11, the Eleventh Circuit affirmed the trial court's approval of the settlement.
<i>In re Currency Conversion Fee Antitrust Litig.</i> (S.D.N.Y., MDL No. 1409)	Patricia Tomlinson; Daniel Ernsberger; Rebecca Brainard; Donna Lonzo; Keith Lonzo; Kathleen McWhorter; William McWhorter; Michael J. Rinis; Jesse Bishop; Jane Selfe	Final judgment and order of dismissal entered 11/4/09; Bacharach filed notice of appeal 12/4/09. Plaintiffs filed a request for an appeal bond against several groups of objectors including those represented by Bacharach. The trial court granted the motion on 3/5/10, ordering the objectors to post a joint bond of \$50,000. The objectors appealed this order on 3/16/10. On 3/28/11, the various objectors stipulated to dismiss their appeals of the final judgment, and on 5/5/11 to dismiss the appeal of the bond order.
<i>In re Trans Union Corp. Privacy Litig.</i> (N.D. Ill., MDL No. 1350)	Julius N. Dunmore, Jr.	Objection filed 8/22/08. All objections overruled in 9/17/08 order granting final approval of settlement.
<i>In re Rambus, Inc. Sec. Litig.</i> (N.D. Cal., No. 06-cv-04346-JF)	William H. McWhorter; Kathleen S. McWhorter	Objection filed 4/25/08. Bacharach's name was not on the objection, but counsel for plaintiffs declared on 5/7/08 that the attorney who was, Daniel Scott Brown, stated he was acting as local counsel for the McWhorters at the direction of Bacharach and fellow Gainesville counsel Paul Rothstein. The trial court granted final approval and awarded attorneys' fees on 5/14/08. In that order, the court also ruled that the McWhorters did not appear to have standing to participate in the proceeding. Counsel for the McWhorters withdrew their objection the same day.
<i>Barnhill v. In re Florida Microsoft Antitrust Litig.</i> , 905 So. 2d 195 (Fla. Dist. Ct. App. 2005), <i>rev. denied</i> , 926 So. 2d 1269 (Fla. 2006)	Kevin Barnhill; Ramona Torres; D. Wilson; William McWhorter; Eugenia Fiala	The Florida Third District Court of Appeal affirmed the trial court's approval of settlement.

Case	Client(s)	Notes
<i>Wal-Mart Stores, Inc., v. Visa U.S.A. Inc.</i> , 396 F.3d 96 (2d Cir.), <i>cert. denied sub nom., Leonardo's Pizza by the Slice, Inc. v. Wal-Mart Stores, Inc.</i> , 544 U.S. 1044 (2005)	Leonardo's Pizza by the Slice, Inc.	The Second Circuit denied some 90 objections and affirmed, "in all respects," the trial court's approval of settlement with Visa and MasterCard and award of attorneys' fees. 396 F.3d at 101.
<i>In re: Warfarin Sodium Antitrust Litigation</i> , 391 F.3d 516 (3d Cir. 2004)	Willie Hutchinson, Jr.; Vincent Palazzola; Alex Galperin; Shirley Bruce; Madison W. O'Kelly, Jr.; Garey L. McCarty	The Third Circuit affirmed the trial court's approval of the settlement.
<i>In re The Progressive Corporation Insurance Underwriting and Rating Practices Litig.</i> (N.D. Fla., MDL No. 1519)	Julius N. Dunmore, Jr.	Objection filed in 2004.

APPENDIX E
Selected Objections to Settlements and Related Appeals Filed by Steve A. Miller

Case	Client(s)	Objections	Outcome of Objections and/or Appeals
<i>Nakash v. NVIDIA Corp.</i> (N.D. Cal., No. 08-cv-04312-JW)	Chase A. Thompson	Objection filed 11/2/10 (by Charles M. Thompson as counsel for his son). Final approval granted and fees awarded 12/20/10.	Miller/Thompson filed notice of appeal 1/19/11 (several other objectors also appealed, and the appeals were consolidated). The appeals were voluntarily dismissed on 3/28/12.
<i>Blessing v. Sirius XM Radio Inc.</i> (S.D.N.Y., No. 09-cv-10035 (HB)(RLE))	Jeannine Miller	Objection dated 6/20/11. Final approval granted and fees awarded 8/24/11.	Miller filed a notice of appeal 9/29/11. The appeal is fully briefed and oral argument is currently set for 11/28/12.
<i>White v. Cellco Partnership d/b/a Verizon Wireless</i> (Alameda Super. Ct., No. RG04137699)	Ann Talley and John Talley	Objection filed 10/17/08. Final approval granted and fees awarded 11/6/08.	Miller filed notice of appeal 1/5/09. Judgment in <i>White</i> and related case affirmed by <i>Cellphone Fee Termination Cases</i> , 186 Cal.App.4th 1380 (2010).
<i>Cassese v. Washington Mutual, Inc.</i> (E.D.N.Y., No. 05-02724)	John Henry Williams	Filed 9/8/11.	Miller filed a notice of appeal 10/19/11.
<i>Fogel v. Farmers Group, Inc.</i> (Los Angeles Super. Ct., No. BC300142)	Charmain Schuh, Marvin Brilliant, George Bishop, David Wenholz, Gina Martin and Jill Sheffield	Filed 8/18/11: No portion of the settlement fund should revert to defendants; as an alternative option, proposed claims process should be rejected since Farmers Group has all the data needed to apportion each class member's share of the fund; fees should be based on percentage of claims actually paid to class, not the total fund.	Settlement approved and fees awarded 12/21/11. Miller filed notice of appeal on 2/16/12, and abandonment of that appeal on 8/24/12.
<i>In re New Motor Vehicles Canadian Exp. Antitrust Litig.</i> (D. Me., MDL No. 1532)	Joey Hutto, Jeanne Finn, Channing Carder, Deborah Colburn, Wayne Phillips/American Electric Motor Service	Filed 1/31/11.	From "Decision and Order on Proposed Settlements and Plan of Allocation": "Joey Hutto, Jeanne Finn, Channing Carder, Deborah Colburn, Nancy Carder and Wayne Phillips d/b/a/ American

Case	Client(s)	Objections	Outcome of Objections and/or Appeals
			<p>Electric Motor Service, object in part because I am asked to award attorney fees before determining the value of benefits actually received by the class members, and because claim forms must be submitted before the settlement is finally approved. Objection to Proposed Settlement ¶¶ 11–12 (Docket Item 1140). <u>This is a specious argument.</u> It is because the claims have already been submitted that I can determine the actual value of benefits the class will receive, and obviously any subtraction for attorney fees must be made before checks can be distributed to class members. The benefits will be received by all who have filed claims (except those who fail to cash the claim check). Moreover, the class members had both notice and a reasonable amount of time to file claims.” 2011 WL 1398485, at *3 n.22 (emphasis added).</p> <p>“The Hutto, et al. objection, asserted on behalf of multiple clients residing in different states, is confusing. Objection (Docket Item 1140). The objection asserts that the settlement is unfair to Alabama, but does not assert why. The objection goes on to complain that some Toyota purchasers are not eligible to get a cash payment even though Toyota was the defendant who settled. I have previously considered and rejected the possibility that only Toyota purchasers should recover because the claims asserted are based on a</p>

Case	Client(s)	Objections	Outcome of Objections and/or Appeals
			conspiracy among <i>all</i> the defendants.” <i>Id.</i> at *8 n.56.
<i>In re Lawnmower Engine Horsepower Marketing & Sales Practices Litig.</i> (E.D. Wis., MDL No. 1999)	Jeannine Miller	Filed 6/4/10.	Final approval granted and fees awarded 8/16/10 (733 F. Supp. 2d 997). Miller filed notice of appeal 9/14/10; motion to voluntarily dismiss appeal filed 2/14/11 (granted 2/16/11).
<i>Credit/Debit Card Tying Cases</i> (San Francisco Super. Ct., J.C.C.P. No. 4335)	John Finn	Filed 5/20/10: Benefit to settlement class “nominal at best”; misuse of cy pres distribution; excessive attorneys’ fees.	Settlement approved and fees awarded on 8/23/10; several appeals filed but none by Miller.
<i>In re Mattel, Inc. Toy Lead Paint Products Liability Litig.</i> (C.D. Cal., MDL No. 1897)	Chase A. Thompson	Filed 2/19/10: Coupon settlement benefits defendant; most of benefits to class attained by efforts of governmental bodies, not class counsel; no attorneys’ fees should be awarded until value of benefit to class is determined; subclasses needed due to disparity in relief between groups; class notice misleading re requirements for objections.	Miller/Thompson filed a notice of appeal, followed by an amended version of same on 5/18/10. Stipulated motion to dismiss the four appeals related to the Mattel MDL filed 11/10/10; granted 11/19/10.
<i>In re Yahoo! Litig.</i> (C.D. Cal., No. CV 06-2737 CAS (FMOx))	LightTheNations.com; ChaseandSam.com; Digital Playroom, Inc.; James Owens; and Randal S. Ford	Dated 12/11/09 (not docketed): Class members who are not “out of business” receive no monetary compensation; settlement creates subclasses and therefore a conflict of interest for class counsel; excessive attorneys’ fees and incentive awards.	Final judgment entered 1/15/10, approving settlement and awarding fees of \$4.3 million (no mention of objections). Miller filed notice of appeal on 2/11/10; order re voluntary dismissal of Miller’s appeal and two others entered 9/23/10.
<i>White v. Experian Information Solutions</i> (C.D. Cal., No. SACV 05-1070 DOC (MLGx))	Steven C. Signer	Filed 11/30/09: Inadequate class notice; settlement value too low; excessive attorneys’ fees and class rep awards; conflicting subclasses; unfair claims process.	Final approval of settlement granted 7/15/11. Miller filed appeal 8/12/11. Briefing is under way in the consolidated appeals.

Case	Client(s)	Objections	Outcome of Objections and/or Appeals
<i>In re Initial Public Offering Securities Litig.</i> (S.D.N.Y., No. 21 MC 92 (SAS))	Steve A. Miller, P.C. Profit Sharing Plan	Filed 8/10/09 (letter to court): Proceeds for class “minuscule in comparison to the enormous expenses and attorneys fees to be paid out.”	Final approval granted and fees awarded on 10/6/09. Various appeals of that order filed in early November, including one by Miller on 11/3/09. In the underlying matter, Judge Shira Scheindlin ruled on 6/17/10 that objectors must post a \$25,000 bond (between them) (721 F. Supp. 2d 210; amended 7/20/10 (728 F. Supp. 2d 289)). Miller is identified therein not as counsel but as an objector (along with his profit-sharing plan) represented by Jeffrey L. Weinstein.
<i>CLRB Hanson Inds., LLC v. Google, Inc.</i> (N.D. Cal., No. C 05-03649 JW PVT)	Randy R. Lyons and Chase Thompson	Filed 7/10/09: Settlement overcharges known to class counsel and defendant but withheld from court and class members; insufficient information provided to class re terms; excessive attorneys’ fees and class rep awards.	Settlement approved and fees awarded on 9/14/09. Miller did not file an appeal.
<i>Milliron v. T-Mobile USA, Inc.</i> (D.N.J., No. 08-04149 (JLL) (ES))	Thomas A. Carder, Kimberley Lyons and Aaron Miller	Filed 7/2/09: Settlement class too broad; fund inadequate; claims procedure should be eschewed; non-class members receive benefits while class members receive none; excessive attorneys’ fees.	Settlement approved and fees awarded on 9/10/09, with all objections overruled; appealed by various objectors, including Miller (on 10/7/09). Miller appeal fully briefed in early 2011; stipulation of dismissal filed 3/23/11.
<i>In re Trans Union Corp. Privacy Litig.</i> , 00cv4729, 2009 WL 937158 (N.D. Ill. Apr. 6, 2009)	Christi M. Copeland	Filed approx. 8/22/08: Settlement has nominal value; class members required to wait two years to see if funds are available; excessive attorneys’ fees.	Final approval order of 9/17/08 overruled all objections. Miller appealed on 10/15/08 (other objectors also appealed around that time). The objectors subsequently reached a settlement with counsel and, on 7/30/09, filed a motion for voluntary dismissal of the appeals, which the 7th Circuit granted the next day.

APPENDIX F
Objections to Settlements Filed by Jonathan E. Fortman

Case	Client(s)	Notes
<p><i>In re Checking Account Overdraft Litig.</i> (S.D. Fla., MDL No. 2036)</p>	<p>Todd M. Spann</p>	<p>Objection filed 10/3/11 as part of group including clients of Kessinger and Kress. In the order granting final approval of the settlement and awarding attorneys' fees, the court stated:</p> <p>“As Plaintiffs noted both in their pleadings, <i>see</i> Plaintiffs’ Response to Objections to Motion for Final Approval of Settlement and Class Counsel’s Application for Service Awards and Attorneys’ Fees [DE # 2030] at 20–22, and at the Final Approval Hearing, <i>most if not all of the Objections are motivated by things other than a concern for the welfare of the Settlement Class. Instead, they have been brought by professional objectors and others whose sole purpose is to obtain a fee by objecting to whatever aspects of the Settlement they can latch onto.</i> The Court agrees with the court in <i>Barnes v. Fleet Boston Fin. Corp.</i>, 2006 U.S. Dist. LEXIS 71072, at *3–4 (D.Mass. Aug. 22, 2006), that, ‘[P]rofessional objectors can levy what is effectively a tax on class action settlements, a tax that has no benefit to anyone other than to the objectors. Literally nothing is gained from the cost: Settlements are not restructured and the class, on whose benefit the appeal is purportedly raised, gains nothing.’ ... The Court has nonetheless considered their objections on the merits, and rejects them for the reasons set forth herein. Should these or any other Objectors choose to persist in their objections in order to tie up the execution of this Settlement and further delay payment to the members of the Settlement Class, the Court will consider additional measures to make sure that the members of the Settlement Class are not further harmed as a result. <i>See</i> Supplemental Decl. of Prof. Brian T. Fitzpatrick [DE # 1885–7], ¶¶ 11–13 (discussing ‘objector blackmail’ and observing that courts have fought back by sanctioning professional objectors and requiring hefty appeal bonds).” <i>In re Checking Account Overdraft Litig.</i>, 830 F.Supp.2d 1330, 1361 n.30 (S.D.Fla. 2011) (emphasis added).</p> <p>Notice of appeal filed 12/21/11 (11th Cir., No. 11-16140). On 2/14/12, the court granted Plaintiffs’ Motion to Require Posting of Appeal Bonds by certain Objector-Appellants. Spann and other appellants’ motion to voluntarily dismiss the appeal was granted on 7/3/12 (Dkt. 100).</p>

Case	Client(s)	Notes
<i>Fogel v. Farmers Group, Inc.</i> (Los Angeles Super. Ct., No. BC300142)	[Pro se objection]	Objection dated 8/17/11. Settlement approved and fees awarded on 12/21/11. Fortman did not appeal.
<i>In re Lawnmower Engine Horsepower Marketing & Sales Practices Litig.</i> (E.D. Wis., MDL No. 1999)	Kent Stephens; Douglas Hilbert; Kelly Marie Spann	Objection and motion to intervene filed 6/7/10. Final approval granted and fees awarded 8/16/10 (733 F. Supp. 2d 997). Attorneys Fortman, Kress and Kessinger filed notice of appeal 9/14/10; motion to voluntarily dismiss appeal filed 2/9/11 (granted 2/10/11).
<i>In re Enron Corporation Securities Litig.</i> (S.D. Tex., No. H-01-3624)	George S. Bishop; Jill R. Bishop; Lon Wilkens; Betty Wilkens	Objection filed in 2008. Fortman, Pentz and Kessinger together filed this objection. On 9/8/08, all objections were overruled or found to be without merit in the order awarding fees (586 F. Supp. 2d 732) and the plan of allocation of the settlement proceeds (2008 U.S. Dist. LEXIS 84656). Notice of appeal filed 10/3/08. Stipulated dismissal filed 9/10/09.

APPENDIX G
Objections to Settlements Filed by John C. Kress

Case	Client(s)	Notes
<i>In re Checking Account Overdraft Litig.</i> (S.D. Fla., MDL No. 2036)	Daniel G. Repa	Objection filed 10/3/11 as part of group including clients of Fortman and Kessinger. (See notes re Jonathan E. Fortman, <i>supra</i> .)
<i>In re Lawnmower Engine Horsepower Mktg. & Sales Practices Litig.</i> , (E.D. Wis., MDL No. 1999)	David Borgmeyer; Jarvis Gutridge; Earl Hortiz	Objection and motion to intervene filed 6/7/10. Final approval granted and fees awarded 8/16/10 (733 F. Supp. 2d 997). Attorneys Fortman, Kress and Kessinger filed notice of appeal 9/14/10; motion to voluntarily dismiss appeal filed 2/9/11 (granted 2/10/11).
<i>Hale v. Wal-Mart Stores</i> (Mo. Cir. Ct., No. 01CV218710, June 17, 2009)	Brenda Crittendon; Marcella Hodgins; Linda Garrett	Kress and Kessinger were sanctioned by the court after objecting and attempting to intervene.

APPENDIX H
Objections to Settlements Filed by J. Scott Kessinger

Case	Client(s)	Notes
<i>In re Checking Account Overdraft Litig.</i> (S.D. Fla., MDL No. 2036)	Karen Palting	Objection filed 10/3/11 as part of group including clients of Fortman and Kress. (See notes re Jonathan E. Fortman, <i>supra</i> .)
<i>In re Lawnmower Engine Horsepower Mktg. & Sales Practices Litig.</i> , (E.D. Wis., MDL No. 1999)	Mark Schulte	Objection filed 6/7/10. Final approval granted and fees awarded 8/16/10 (733 F. Supp. 2d 997). Attorneys Fortman, Kress and Kessinger filed notice of appeal 9/14/10; motion to voluntarily dismiss appeal filed 2/9/11 (granted 2/10/11).
<i>In re Enron Corporation Securities Litig.</i> (S.D. Tex., No. H-01-3624)	George S. Bishop; Jill R. Bishop; Lon Wilkens; Betty Wilkens	Objection filed in 2008. Fortman, Pentz and Kessinger together filed this objection. On 9/8/08, all objections were overruled or found to be without merit in the order awarding fees (586 F. Supp. 2d 732) and the plan of allocation of the settlement proceeds (2008 U.S. Dist. LEXIS 84656). Notice of appeal filed 10/3/08. Stipulated dismissal filed 9/10/09.
<i>Chance v. U.S. Tobacco Co.</i> (Kansas Dist. Ct., Seward Cty., No. 05-CV-112)	N/A	Kessinger appeared as one of several objectors to the settlement in this matter and was represented by John Pentz. The objections, including Kessinger's, were ultimately withdrawn.
<i>In re Allstate Fair Credit Reporting Act Litig.</i> (M.D. Tenn., No. 3:02-md-1457)	William Zorn; Jesus Ituarte	Objection filed 5/2/05. Final approval granted and fees awarded 7/29/05. Kessinger filed notice of appeal 8/29/05; order granting stipulated dismissal of all appeals entered 4/25/06.
<i>In re MCI Non-Subscriber Telephone Rates Litig.</i> (S.D. Ill., MDL No. 1275)	Leslie Sax; Lawrence Wolfson	Objections and motion to intervene filed 3/16/01. Final approval granted and fees awarded 4/19/01. Kessinger filed notice of appeal 4/27/01; appeal dismissed 7/30/01.
<i>Meyenburg v. Exxon Mobil Corp.</i> (S.D. Ill., No. 3:05-cv-15-DGW)	David Pentz (John Pentz's brother); Guy Thrasher	Kessinger and John Pentz were co-counsel on this objection, which was filed 8/8/05. In granting final approval of the settlement, the court found the Pentz/Kessinger objections to be "meritless" and "without merit" (<i>Meyenburg v. Exxon Mobil Corp.</i> , 2006 WL 5062697, at *7 (S.D. Ill. June 5, 2006)). Notice of appeal filed 7/1/06; order granting agreed motion to dismiss appeals entered 8/24/06.

Case	Client(s)	Notes
<i>Synfuel Techs., LLC v. Airborne Express, Inc.</i> (S.D. Ill., No. 02-cv-324-DRH)	Joel Shapiro; W. Andrew Hoffman; Pritchard, McCall & Jones, LLC; Professional Asset Strategies, Inc.; Asset Strategies, Inc.; N. Albert Bacharach, Jr.	Objection filed 4/2/04. At the final fairness hearing, Kessinger requested leave to file a response to an affidavit filed in support of the settlement. The court denied this request, stating: "Kessinger's desire to conduct a fishing operation . . . is improper." (slip op. at 2 (July 15, 2004)). Final approval granted 1/27/05. Notice of appeal filed 2/21/05. Final approval vacated, though not due to an objection by Kessinger.
<i>Hale v. Wal-Mart Stores</i> (Mo. Cir. Ct., No. 01CV218710)	Brenda Crittendon; Marcella Hodgins; Linda Garrett	Kessinger and Kress were sanctioned by the court after objecting and attempted to intervene.

APPENDIX I
Objections to Settlements Filed by George W. Cochran

Case	Client(s)	Notes
<i>H.B. Brown v. American Home Prods. [In re Diet Drugs Prods. Liability Litig.]</i> (E.D. Pa., No. 99-20593)	Kim Heaton; Carl Wolf; Frances Rammage; Lynn Reed; Pam Butler; Phyllis M. Rodriguez; Sherri D. Wieneke; Sherrie Brichetto; Ted Doak	Filed objection 3/28/00. Edward W. Cochran, a Cleveland-area attorney with a long history of filing objections to class action settlements, also filed an objection in this matter, but represented other objectors.
<i>Schmidt v. AT&T</i> (Cuyahoga Cty. (Oh.) Ct. Com. Pleas, No. CV-09-688788)	Adam Faulkner	George W. Cochran and Edward W. Cochran both appeared (representing different objectors).

APPENDIX J
Objections to Settlements by Mark Schulte

Case	Counsel	Notes
<i>In re Lawnmower Engine Horsepower Mktg. & Sales Practices Litig.</i> , (E.D. Wis., MDL No. 1999)	J. Scott Kessinger	Objection filed 6/7/10. Final approval granted and fees awarded 8/16/10 (733 F. Supp. 2d 997). Attorneys Fortman, Kress and Kessinger filed notice of appeal 9/14/10; motion to voluntarily dismiss appeal filed 2/9/11 (granted 2/10/11).
<i>In Re: Currency Conversion Fee Antitrust Litig.</i> (S.D.N.Y., MDL No. 1409)	J. Scott Kessinger	<p>Objection filed 3/7/08. Final approval granted and fees awarded on 10/22/09 (263 F.R.D. 110). There were 76 objectors to the settlement. For each of their points, the court said the objections were either without merit or moot.</p> <p>Certain objectors sought fees. “The objectors in this case did little to aid this Court. While there were modifications to the notice program, these modifications were entirely on the Court’s initiative and devised by the Special Master and the parties. As for fees, the objections were so general and repetitive that they were of no assistance to an area with which this Court is intimately familiar.” <i>Id.</i> at 132.</p> <p>Schulte did not file an appeal.</p>

APPENDIX K
Objections to Settlements by Andrea Pridham

Case	Counsel	Notes
<i>In re Ferrero Litig.</i> (S.D. Cal., No. 11-cv-00205-H-KSC)	Grenville Pridham, Mark Lavery and Christopher V. Langone	Objection filed 6/8/12 to the settlement of this false-advertising class action involving Nutella. On 7/9/12, the court overruled the objections (including one by Michael E. Hale, represented by Christopher Bandas) and granted final approval of the settlement; Drey and Pridham appealed on 8/7/12; Hale appealed two days later.
<i>In re Groupon Marketing and Sales Practices Litig.</i> (S.D. Cal., No. 11-cv-205-H-CAB)	Grenville Pridham, Mark Lavery and Christopher V. Langone	Objection filed 7/27/12.

APPENDIX L
Objections to Settlements by Alison Paul

Case	Counsel	Notes
<i>In re Apple iPhone 4 Products Liability Litig.</i> (N.D. Cal., No. 10-md-02188-RMW)	Darrell Palmer	Objection filed 6/15/12. Final approval granted 8/10/12; Paul notice of appeal filed 9/6/12 (9th Cir., No. 12-16994). Paul's opening appellate brief is currently due on 12/17/12.
<i>Johnson v. Apple, Inc.</i> (Santa Clara Super. Ct., No. 109CV146501) (regarding iTunes gift cards)	Darrell Palmer	Palmer represented objectors Alison Paul and Edmund F. Bandas in this matter. Final approval granted and fees awarded 4/20/12; Paul/Bandas appeal filed 6/19/12 (Cal. App. 6th Dist., No. H038218). Abandonment of appeal filed 8/15/12.
<i>In re: Pre-Filled Propane Tank Marketing & Sales Practices Litig.</i> (W.D. Mo., MDL No. 2086)	Kenneth E. Nelson	Objection filed 1/10/12 to proposed settlement and request for fees regarding settlement with defendant Ferrellgas. Final approval granted 5/31/12. Paul notice of appeal filed 6/22/12 (8th Cir., No. 12-2564). Briefing schedule not yet set.
<i>Dervaes v. California Physicians' Service d/b/a Blue Shield of California</i> (Alameda Super. Ct., No. RG06262733)	Darrell Palmer	Final approval granted and fees awarded 4/2/10. Objections not mentioned in order and judgment. Appeal filed 6/1/10 (Cal. App. 1st Dist., No. A128696). Abandonment of appeal filed 6/4/10.

APPENDIX M
Objections to Settlements by Stefan Rest

Case	Counsel	Notes
<i>Nasseri v. Cytosport, Inc.</i> (Cal. Super. Ct., Los Angeles Cty., No. BC439181)	Christopher A. Bandas	Objection filed 6/13/12 in a “pro se” format similar to that filed by Rest in the instant matter. Rest testified in his deposition related to the <i>LCD</i> matter that Bandas represents him in the <i>Cytosport</i> matter. Rest Tr. 10:3-11, 41:2-10 (referring to <i>Cytosport</i> as the “Muscle Milk” case). (Clayton Decl. Ex. 1.)

APPENDIX N
Objections to Settlements by Luis Mario Santana

Case	Counsel	Notes
<i>Chavez v. Blue Sky Natural Beverage Co.</i> (N.D. Cal., No. 06-cv-06609-JSW)	Christopher A. Bandas	Santana filed an ostensibly “pro se” objection on 4/23/12. The final approval order, entered 6/1/12, stated that Santana “has not established that he is a member of the class as required by this Court’s preliminary approval order and the class notice.” Santana filed notice of appeal on 6/26/12; Bandas filed appearance as Santana’s counsel in the appeal on 7/26/12.