

ENDORSED
FILED
San Francisco County Superior Court

MAR 1 - 2010

GORDON PARK-LI, Clerk

BY: VICKI MACK
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

SARA CHO, on behalf of herself and all others
similarly situated,

Plaintiff,

v.

SEAGATE TECHNOLOGY (US) HOLDINGS,
INC. and DOES 1-10, inclusive,

Defendants.

Case No.: CGC-06-453195
UNLIMITED CIVIL CASE

**[PROPOSED] ORDER
CONDITIONALLY CERTIFYING A
PLAINTIFF SETTLEMENT CLASS**

Judge: Hon. Donald Sullivan
Dept.: 318

1 WHEREAS plaintiff and defendant have entered into a Settlement Agreement
2 (“Agreement”) with respect to this matter;

3 WHEREAS this Court has reviewed the Agreement; and

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

7 1. The Court hereby certifies the following Plaintiff Settlement Class: **All**
8 **persons and entities who, between March 22, 2001 and September 26, 2007 purchased**
9 **in the United States a new Seagate brand hard disc drive, not for resale, separately as**
10 **a Seagate product that was not pre-installed into and bundled with a personal**
11 **computer or other electronic device.** Excluded from the Plaintiff Settlement Class are the
12 Honorable Donald Sullivan, the Honorable Mary E. Wiss, the Honorable Edward A. Infante
13 (Ret.), any member of their immediate families, any government entity, Seagate, any entity
14 in which Seagate has a controlling interest, any of Seagate’s subsidiaries, affiliates, and
15 officers, directors or employees, and any legal representative, heir, successor, or assign of
16 Seagate, and any persons and entities that timely opt out of the Plaintiff Settlement Class.
17 (Capitalized terms not defined herein have the meanings assigned to them in the
18 Agreement.)

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

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

23 4. The claims advanced by Representative Plaintiff Sara Cho are typical of the
24 claims of the above-described Plaintiff Settlement Class.

25 5. The Representative Plaintiff will fairly and adequately protect the interests of
26 the above-described Plaintiff Settlement Class, and is conditionally appointed as
27 representative of the Plaintiff Settlement Class for the purpose of implementing the
28 settlement in accordance with the Agreement. Strange & Carpenter, Fleishman & Fisher,

1 and Gutride Safier LLP are conditionally appointed as counsel for the Plaintiff Settlement
2 Class.

3 6. The questions of law or fact common to the members of the above-described
4 Plaintiff Settlement Class predominate over the questions affecting only individual
5 members.

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

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

15 9. In the event the Agreement terminates pursuant to its terms or for any reason,
16 the Representative Plaintiff shall cease to function as representative of the Plaintiff
17 Settlement Class, and the case shall revert to its status as existed immediately prior to the
18 execution of the Agreement. Nothing in this Order is, or may be construed as, an admission
19 or concession by or against any of the parties on any point of fact or law.

20 IT IS SO ORDERED.

21 DATED: FEB 24 2010

DONALD J. SULLIVAN

22 _____
23 Donald Sullivan
24 Judge of the Superior Court
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