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ENDORSED
FILED
San Francisco County Superior Court

MAR 1 - 2010

GORDON PARK-LI, Clerk
BY: VICKI MACK
Deputy Clerk

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 GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Judge: Hon. Donald Sullivan
Dept.: 318

1 Plaintiff having filed a motion for an order preliminarily approving the Settlement
2 Agreement (“Agreement”) entered into between plaintiff and defendant Seagate
3 Technology (US) Holdings, Inc. (“Seagate”), Seagate having filed papers in support of that
4 motion; objector David Klausner having filed papers relating to the motion; the said motion
5 having come on for hearing before the above-entitled Court; the Court having reviewed and
6 considered all documents, evidence and arguments of counsel presented in connection with
7 said motion; the Court being fully advised of the premises and good cause appearing
8 therefor, the Court enters its order and, subject to final determination by the Court as to the
9 fairness, reasonableness and adequacy of the settlement, finds and orders as follows:

10 1. The Agreement and the settlement set forth therein appear to be within the
11 range of reasonableness of a settlement which could ultimately be given final approval by
12 the Court.

13 2. The Court finds that the manner and content of the notice specified in the
14 Agreement, including the Supplement thereto, and the Summary Published Notice, Long
15 Form Notice and Summary Email Notice (Exhibits B1, B2 and B3 thereto) (together, the
16 “Class Notice”) will provide the best practicable notice to members of the Plaintiff
17 Settlement Class, as defined in the Order Conditionally Certifying a Plaintiff Settlement
18 Class, and consistent with the Court of Appeal's direction to this Court in *Cho v. Seagate*
19 *Technology Holdings, Inc.*, 177 Cal. App. 4th 734 (2009). Accordingly, Seagate shall
20 provide notice by publication four times in *USA Today* of a Summary Published Notice of
21 the pendency of this action and the proposed settlement in substantially the form of Exhibit
22 B1 to the Agreement. Seagate shall also provide notice of the proposed settlement by:
23 (1) providing a Long Form Notice in substantially the form of Exhibit B2 to the Agreement
24 via posting on a dedicated website linked to the homepage of Seagate’s website, and to
25 which the notices refer; and (2) sending a Summary Email Notice in substantially the form
26 of Exhibit B3 via electronic mail to identifiable Settlement Class Members for whom
27 Seagate has an email address. The notice shall be provided according to the procedures and
28 in the manner specified in Part VIII of the Agreement, and the costs and expenses of such

1 notice shall be paid by Seagate, subject to the provisions of Section 8.5 of the Agreement.
2 The Court authorizes the parties to make minor revisions to the Class Notice as they may
3 jointly deem necessary or appropriate, without the necessity of further Court action or
4 approval.

5 3. A final approval hearing shall be held by this Court to consider and finally
6 determine:

7 a. Whether the Agreement should be finally approved as fair, reasonable,
8 and adequate;

9 and

10 b. The merits of any objections to the Agreement and the settlement set
11 forth therein, or any of its terms.

12 The final approval hearing described in this paragraph may be postponed, adjourned,
13 or continued by order of the Court without further notice to the Plaintiff Settlement Class.

14 4. Any member of the Plaintiff Settlement Class who does not request exclusion
15 (or who revokes a previously submitted request for exclusion), and who objects to approval
16 of the proposed settlement in compliance with the requirements of the Agreement, may
17 appear at the final approval hearing in person or through counsel to show cause why the
18 proposed settlement should not be approved as fair, reasonable, and adequate. Any member
19 of the Plaintiff Settlement Class who does not request exclusion (or who revokes a
20 previously submitted request for exclusion), and who seeks to intervene in the Action in
21 compliance with the requirements of the Agreement, may file and serve a motion to
22 intervene in accordance with applicable law. A Plaintiff Settlement Class Member may
23 revoke a previously submitted request for exclusion by submitting a written revocation to
24 Plaintiffs' Counsel or by submitting a Claim Form, as provided in the Long Form Notice.

25 5. However, no person (other than representatives of the named parties) may be
26 heard at the final approval hearing, or file papers or briefs, unless on or before the date set
27 forth in the Class Notice, such person files with the Clerk of the Court and serves on
28 Plaintiffs' Counsel and Seagate's Counsel, consistent with Section 11.4 of the Agreement, a

1 timely written objection and notice of intent to appear, in accordance with the procedures
2 specified in the Class Notice. Any member of the Plaintiff Settlement Class who does not
3 make his, her or its objection to the settlement or request for intervention in the manner
4 provided herein and in the Agreement and in compliance with applicable law, shall be
5 deemed to have waived such objection or right to intervene for purposes of appeal,
6 collateral attack or otherwise.

7 6. The publication and dissemination of the Class Notice, as directed by this
8 Order and consistent with the direction of the Court of Appeal, constitutes the best notice
9 practicable under the circumstances and sufficient notice to all members of the Plaintiff
10 Settlement Class. The contents of the Class Notice and the manner of its dissemination
11 satisfy the requirements of California Rule of Court 3.769, other California law, and state
12 and federal due process.

13 7. Any member of the Plaintiff Settlement Class who desires exclusion
14 therefrom must mail, by the date set forth in the Class Notice, a written request for
15 exclusion to the address(es) set forth in the Class Notice. All persons who properly submit
16 requests for exclusion shall not be Plaintiff Settlement Class members and shall have no
17 rights with respect to the settlement.

18 8. If the Agreement is finally approved, the Court shall enter a Final Approval
19 Order and Judgment approving the Agreement, within the meaning of and for purposes of
20 Section 11.2 of the Agreement. Said Final Approval Order and Judgment shall be fully
21 binding with respect to all members of the Plaintiff Settlement Class who did not request
22 exclusion by the date set forth in the Class Notice, in accordance with the terms of the Class
23 Notice and the Agreement.

24 9. All discovery and other pretrial proceedings in this Action are stayed and
25 suspended until further order of this Court, except as otherwise agreed to by the parties or as
26 may be necessary to implement the Agreement or this Order.

27 10. In the event that the proposed settlement as provided in the Agreement is not
28 approved by the Court, or entry of a Final Approval Order and Judgment as provided in the

1 Agreement does not occur for any reason, then the Agreement, all drafts, negotiations,
2 discussions, and documentation relating thereto, and all orders entered by the Court in
3 connection therewith shall become null and void. In such event, the Agreement and all
4 negotiations and proceedings relating thereto shall be withdrawn without prejudice to the
5 rights of any and all parties thereto, who shall be restored to their respective positions as of
6 the date of the execution of the Agreement.

7 11. The dates of performance of this Order are as follows:

8 a. The Class Notice shall be published and disseminated by newspaper
9 publication, website posting and electronic mail in accordance with the provisions of Part
10 VIII of the Agreement. The parties shall use their best efforts to complete the electronic
11 mail notice by March 12, 2010, and to commence the other publication and dissemination
12 by March 15, 2010, and to complete such publication and dissemination by April 16, 2010.

13 b. Requests for exclusion must be received by May 14, 2010.

14 c. Objections to the settlement, requests for intervention and notices of
15 intention to appear at the final approval hearing shall be deemed timely only if filed with the
16 Court and served on counsel for the parties by May 14, 2010.

17 d. Plaintiffs' Counsel shall prepare and file with the Court a joint list of
18 class members who have filed timely requests for exclusion by May 28, 2010.

19 e. Plaintiffs' Counsel and Seagate shall file and serve papers in support of
20 final approval of the settlement, and responding to any objections or motions to intervene
21 by May 28, 2010.

22 f. The final approval hearing shall be held on June 9, 2010, at 10:00 a.m.

23 IT IS SO ORDERED.

24 DATED: FEB 24 2010

DONALD J. SULLIVAN

Donald Sullivan
Judge of the Superior Court