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**LOS ANGELES
SUPERIOR COURT**

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL CIVIL WEST**

**LAMPS PLUS CREDIT TRANSACTION
CASES**

Jud. Council Coordinated Proceeding No. 4532
Assigned to the Hon. Anthony J. Mohr, Dept. 309

Relates to:
VINCENT FINCH v. LAMPS PLUS, INC.,
(SDSC Case No.: GIC 875385)

~~PROPOSED~~ **ORDER GRANTING
APPLICATION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND NOTICE TO CLASS
MEMBERS**

CASS TAYLOR v. LAMPS PLUS, INC.,
(LASC Case No. BC364417)

Date: June 24, 2009
Time: 10:00 a.m.
Dept: 309

FOGELSTROM v. LAMPS PLUS, INC.,
(SDSC No. 37-2008-00087512-CU-BT-CTI)

The Application of Plaintiffs, Vincent Finch ("Finch") and Cass Taylor ("Taylor"), on behalf of themselves and the classes they represent (collectively, "Plaintiffs"), and Defendant, Lamps Plus, Inc. (hereinafter "Lamps Plus" or "Defendant") for Preliminary Approval of a Class Action Settlement came on for hearing before this Court, with the Honorable Anthony J. Mohr, Judge Presiding, Department 309, on April 30, 2009, at 9:00 a.m., and again on June 24, 2009 at 10:00 a.m. The Court having considered the papers submitted in support of the Application, having heard oral arguments of the parties, and good cause having been shown:

- 1 The Court grants preliminary approval of the settlement based upon the terms set forth in the
 2 Settlement Agreement and Release of Claims ("Settlement Agreement") filed herewith. The
 3 settlement appears to be fair, adequate and reasonable.
- 4 2. The Court orders the following schedule of dates for further proceedings:
- | | |
|--|---|
| 5 A. Publication and Mailing of Notice to Class | Publication of Notice and emailing of Notice to Class Members for whom Lamps Plus has identified an email address within 30 days of the date the Court grants Preliminary Approval; second published Notice no later than 30 days following the first |
| 6 | |
| 7 | |
| 8 | |
| 9 B. Deadline to Postmark Objections or to Opt Out: | Within 45 days after the date Notice to Class is first published and mailed |
| 10 C. Fairness Hearing and Final Approval: | October 1, 2009, at 4:00 p.m. |
| 11 D. Distribution of Settlement Payment: | The later of within 60 calendar days after the date of the Fairness Hearing and Final Approval, or (ii) after any applicable time period in which to appeal has expired (or, in the case of an appeal, the appeal has been finally resolved and remittitur has taken place) |
| 12 | |
| 13 | |
| 14 | |
| 15 E. Payment of Attorneys' Fees to Class Counsel, Costs of Litigation, & Incentive Payment to Named Plaintiffs: | Within 30 days after the date of the Fairness Hearing and Final Approval |
| 16 | |
| 17 F. Defendant to file Certification of Completion: | Within 60 days after the Fairness Hearing and Final Approval |
| 18 | |
| 19 | |
- 20 3. The Court confirms Gilardi & Co. as the Settlement Administrator, with oversight by Class
 21 Counsel.
- 22 4. The Court confirms Ringler Kearney Alvarez, LLP and Blumenthal & Nordrehaug as Class
 23 Counsel, and preliminarily approves the attorneys' fees and costs in the amount of \$350,000.00
 24 and the division thereof between said firms as set forth in the Settlement Agreement.
- 25 5. The Court confirms this matter as a class action (the *Taylor* action was previously certified on
 26 January 23, 2008).
- 27 6. The Court confirms Cass Taylor and Vincent Finch as Class Representatives, and the incentive
 28 payments of \$5,000.00 to each of them as set forth in the Settlement Agreement.

1 7. The Court approves, as to form and content, the Notice of Pending Class Settlement and Hearing
2 ("Notice") attached as Exhibits 1 and 2 to the Settlement Agreement and Release of Claims. The
3 Court finds that the dates selected for the mailing and distribution of the Notice as set forth in
4 paragraph 2, *supra*, meet the requirements of due process and provide the best notice practicable
5 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
6 thereto.

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9 **ORDER**

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11 **IT IS SO ORDERED.**

12
13 Dated: June 26, 2009

14 ANTHONY J. MOHR
15 Honorable Anthony J. Mohr
16 Judge of the Superior Court