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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY L. JOHNSON, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

METRO-GOLDWYN-MAYER STUDIOS
INC.; AND TWENTIETH CENTURY FOX
HOME ENTERTAINMENT, LLC,

Defendants.

NO. 2:17-cv-00541-RSM

ORDER GRANTING UNOPPOSED
PLAINTIFF’S MOTION FOR
CONDITIONAL CERTIFICATION OF
SETTLEMENT CLASS, PRELIMINARY
APPROVAL OF STIPULATION AND
AGREEMENT OF SETTLEMENT,
APPOINTMENT OF CLASS
REPRESENTATIVE, APPOINTMENT OF
CLASS COUNSEL, AND APPROVAL OF
NOTICE PROGRAM

THIS MATTER came before the Court upon the unopposed motion filed by Plaintiff individually and on behalf of those similarly situated (the “Motion”) for an order pursuant to Rules 23(a), 23(b)(2), and 23(e) and (g) of the Federal Rules of Civil Procedure For (i) for Conditional Certification of Settlement Class, (ii) Preliminary Approval of Stipulation and Agreement of Settlement, (iii) Appointment of the above named Plaintiff as Class Representative, (iv) Appointment of Eisenhower Carlson PLLC (“EC”) and Statman Harris & Eyrich, LLC (“Statman Harris”) as Class Counsel, and (v) Approval of Notice Program.

Having considered the motion, the Settlement Agreement together with all exhibits and



1 attachments thereto, the record in this matter, and the briefs and arguments of counsel, **IT IS**
2 **HEREBY ORDERED** as follows:

3 1. The Court has jurisdiction over the subject matter of the Action pursuant to 18
4 U.S.C. § 1332(d)(2). This Court also has jurisdiction over all Parties to the Action, including all
5 Class Members as defined in Paragraph 4 below.
6

7 **PRELIMINARY APPROVAL**

8 2. The Court has reviewed the terms of the proposed Settlement Agreement, the
9 exhibits and attachments thereto, Plaintiff's Motion and brief in support, and the declarations of
10 counsel. Based on its review of these papers, the Court finds that the Settlement Agreement
11 appears to be the result of serious, informed, non-collusive negotiations conducted with the
12 assistance of mediator, Robert Fairbank. The terms of the Settlement Agreement do not
13 improperly grant preferential treatment to any person, entity or segment of the Settlement Class
14 and fall within the range of possible approval as fair, reasonable, and adequate.
15

16 3. The Court therefore **GRANTS** preliminary approval of the Settlement
17 Agreement and all of the terms and conditions contained therein.

18 **PRELIMINARY CERTIFICATION OF SETTLEMENT CLASS**

19 4. Pursuant to Federal Rule of Civil Procedure 23, the Court preliminarily certifies,
20 for settlement purposes only, the Settlement Class defined as follows:
21

22 All persons and entities (and their successors-in-interest, assigns, and heirs) in the
23 United States that purchased one or more of the James Bond Sets prior to January
24 31, 2018. Excluded from the Settlement Class are: MGM and Fox and any
25 person, trust, firm, corporation or other entity Affiliated with or related to MGM
26 and Fox; and Any persons or entities who exclude themselves by submitting a
timely Request for Exclusion in accordance with the requirements set forth by the
Court.

1 5. The Court preliminarily finds that the Settlement Class satisfies the requirements
2 of Federal Rule of Civil Procedure 23(a): the Settlement Class is comprised of approximately
3 300,000 potential Class Members; there are questions of law or fact common to the Settlement
4 Class; Plaintiff’s claims are typical of those of Class Members; and Plaintiff will fairly and
5 adequately protect the interests of the Class.
6

7 6. The Court preliminarily finds that the Settlement Class satisfies the requirements
8 of Federal Rule of Civil Procedure 23(b)(3): the questions of law or fact common to the
9 Settlement Class predominate over individual questions, class action litigation is superior to
10 other available methods for the fair and efficient adjudication of this controversy, and defendants
11 have acted or refused to act on grounds that apply generally to the Settlement Class.
12

13 7. The Court hereby appoints Mary J. Johnson, as Class Representative.

14 8. The Court hereby appoints as Class Counsel Alexander Kleinberg, Alan J.
15 Statman and Sylvie Derrien as well as their respective firms: Eisenhower Carlson PLLC and
16 Statman Harris & Eyrich, LLC.
17

NOTICE AND ADMINISTRATION

18 9. The Court finds that the Notice and Notice Program set forth in the Settlement
19 Agreement satisfy the requirements of due process and Federal Rule of Civil Procedure 23 and
20 provide the best notice practicable under the circumstances. The Notice, the Publication Notice
21 and Notice Plan are reasonably calculated to apprise Settlement Class Members of the nature of
22 this litigation, the scope of the Settlement Class, the terms of the Settlement Agreement, the right
23 of Settlement Class Members to object to the Settlement Agreement or exclude themselves from
24 the Settlement Class and the process for doing so, and of the Final Approval Hearing. The Court
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1 therefore approves the Notice, the Publication Notice and Notice Program and directs the Parties
2 and the Settlement Administrator to proceed with providing notice to Settlement Class Members
3 pursuant to the terms of the Settlement Agreement and this Order.

4
5 10. Under the terms of the Settlement Agreement, the Settlement Administrator shall
6 disseminate the Notice and implement the Notice Program within twenty-one (21) calendar days
7 after entry of this Order.

8 **EXCLUSION and OBJECTIONS**

9 11. Settlement Class Members who wish to opt-out and exclude themselves from the
10 Settlement Class may do so by notifying the Settlement Administrator in writing, postmarked no
11 later than May 18, 2018. To be valid, each request for exclusion must be made in writing, set
12 forth the name, address, telephone number of the Class Member, and request exclusion for Class
13 Member, be signed by the Class Member, postmarked by May 18, 2018, and mailed to the
14 Settlement Administrator.
15

16 12. All Settlement Class Members who do not opt out and exclude themselves shall
17 be bound by the terms of the Settlement Agreement upon entry of the Final Approval Order and
18 Judgment.

19 13. Settlement Class Members who wish to object to the Settlement Agreement may
20 do so by mailing or emailing their objection to the Settlement Administrator in accordance with
21 the procedures outlined in the Notice no later than July 17, 2018. The written objection must
22 contain the objector's full name and mailing address, and telephone number; the name of the
23 settlement: "James Bond Box Set Settlement"; an explanation of the objection and the specific
24 reasons for the objection; a list of any other objections to any class action settlement submitted
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1 by the objector or on behalf of the objector, in any court of the United States, whether state or
2 federal, in the last five years; whether the objector intends to appear and/or testify at the Final
3 Approval Hearing either in person or through counsel; the name and contact information of any
4 and all attorneys representing, advising, or assisting the objector; whether any attorney will
5 appear on the objector's behalf at the Final Approval Hearing, and if so the identity of that
6 attorney; and the objection must be signed by the objector or her counsel.
7

8 14. Any Settlement Class Member who does not timely submit a written objection in
9 accordance with these procedures and the procedures detailed in the Notice and Settlement
10 Agreement, shall be deemed to have waived any objection, shall not be permitted to object to the
11 Settlement, and shall be precluded from seeking any review of the Settlement Agreement and/or
12 the Final Approval Order and Judgment by appeal or other means.
13

14 15. The Court will hold a Final Approval Hearing on **July 31, 2018 at 10:00 a.m.**, in
15 Courtroom 13206 of the United States District Court for the Western District of Washington,
16 700 Stewart Street (13th Floor), Seattle, Washington.
17

18 16. At the Final Approval Hearing, the Court will consider whether: (a) the
19 Settlement is fair, reasonable, and adequate; (b) the Settlement Class should be finally certified;
20 (c) a final judgment should be entered; (d) Class Counsel's motion for attorneys' fees and costs
21 should be granted; and (e) the Incentive Payment Award sought for Plaintiff should be awarded.
22

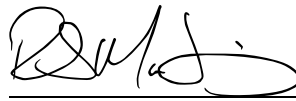
23 17. All proceedings in this Action, other than those necessary to carry out the terms
24 and conditions of this Order or the responsibilities incidental thereto are hereby stayed and
25 suspended as between Plaintiff and Defendants until further order from this Court.
26

18. Neither the Settlement Agreement, nor any of its terms and provisions shall be

1 construed as an admission or concession by Defendants of the truth of the allegations in the
2 Action or any liability, fault or wrongdoing of any kind.

3 19. The Court reserves the right to continue the date of the Final Approval hearing
4 without further notice to Settlement Class Members.

5 DATED this 26th day of February, 2018.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE

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13 Presented by:

14 EISENHOWER CARLSON PLLC

15
16 By: /s/ Alexander S. Kleinberg
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