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17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA**

19 **WESTERN DIVISION**

20 ALI SAFAVI, on Behalf of)
 21 Himself, All Others Similarly)
 22 Situated and the General Public,)

23 Plaintiff,)

24 v.)

25 VIBRAM USA INC. and VIBRAM)
 26 FIVEFINGERS LLC,)

27 Defendants.)

28 Case No. CV 12-5900-BRO (JCGx)

JOINT STATUS REPORT

CLASS ACTION

ROOM: 14

JUDGE: Hon. Beverly Reid O'Connell

1 Pursuant to this Court’s Order dated June 21, 2013, the parties hereby submit
2 this Joint Status Report in the above-referenced case.

3 The Court’s September 24, 2012 Order states that “[t]he *Safavi* action is
4 stayed until a ruling is issued on class certification in the *Bezdek* Action or until a
5 further order of this Court.” The parties report that on May 12, 2014, the Court
6 issued an order in *Bezdek*, that, as detailed further below, certified, for settlement
7 purposes only, a settlement class.

8 In April 2014, parties to the *Bezdek* action reached an agreement for
9 settlement of the claims at issue therein. The class in the *Bezdek* action, which
10 consists of persons nationwide who purchased the relevant Vibram shoes,
11 necessarily subsumes the proposed class in this *Safavi* action, which consists of
12 California purchasers. The settlement agreement in *Bezdek* thus provides that
13 “[w]ithin ten (10) days following the Final Settlement Date, Plaintiffs shall file a
14 stipulation of dismissal with prejudice in the [*Safavi*] Case.”

15 On April 30, 2014, the *Bezdek* plaintiffs, along with Plaintiff Safavi and
16 Plaintiff Brian De Falco¹ submitted a motion for preliminary review of class action
17 settlement, authorization of class notice, and setting of final approval hearing in the
18 *Bezdek* action.

19 On May 12, 2014, the *Bezdek* court held a hearing on that motion and issued
20 an order granting the requested relief.

21 With respect to class certification, the Court held:

22 On the basis of the findings set forth below, the Court hereby
23 certifies a plaintiff class pursuant to Fed. R. Civ. P. 23 for
24 settlement purposes only in accordance with the terms of the
25 Settlement Agreement (the “Class”). The Class is defined as:

26
27 ¹ Mr. De Falco is a Plaintiff in a related action against Vibram USA and Vibram, pending
28 in the District of Massachusetts under the Civil Action Number 2013-CV-10764-DPW.

1 All persons that, during the Class Period, purchased in the
2 United States certain FiveFingers footwear from Vibram and/or
3 its authorized retailers including, without limitation,
4 vibramfivefingers.com. Excluded from the Class are: (a)
5 Vibram's Board members, executive level officers, or
6 employees, including its attorneys; (b) persons or entities who
7 purchased the FiveFingers footwear primarily for the purpose
8 of resale; (c) any claims for personal injury relating to the use
9 of the FiveFingers footwear; (d) distributors or re-sellers of the
10 FiveFingers footwear; (e) the judge and magistrate judge
11 presiding over the Actions and their immediate families; (f)
12 governmental entities; and (g) persons or entities who timely
13 and properly exclude themselves from the Class as provided in
14 the Settlement Agreement.

15 The *Bezdek* Court also authorized dissemination of notice of the proposed
16 settlement to the Class, approved the proposed procedure for filing claim forms,
17 requests for exclusion, and objections, and set date of October 29, 2014 for a final
18 Fairness Hearing on the proposed settlement.

19 Pursuant to the May 12, 2014 Order, the plaintiffs disseminated notice of the
20 proposed class action settlement. On August 15, 2014, Plaintiffs submitted a
21 motion for final approval of the Class Settlement.

22 The *Bezdek* court then held the Fairness Hearing on October 29, 2014. At
23 the Fairness Hearing the Court requested supplemental briefing on issues relating
24 to the Settlement, which has now been submitted.

25 In light of the fact that the Settlement in this case is now awaiting approval by
26 the court in the *Bezdek* action, the parties believe that this matter should continue to
27 be stayed by this Court until any settlement is finalized in the *Bezdek* action, which
28 will include the instant case.

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DATED: December 15, 2014

Respectfully submitted,

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DATED: December 15, 2014

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DECLARATION REGARDING CONCURRENCE

I, Rachele R. Rickert, am the ECF User whose identification and password are being used to file this JOINT STATUS REPORT. In compliance with Local Rule 5-4.3.4(a)(2) and the Court’s CM/ECF Administrative Policies and Procedures, I hereby attest that Christopher J. Lovrien has concurred in this filing.

DATED: December 15, 2014

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By: /s/Rachele R. Rickert
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FIBRAM: 21411