

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROSEMARY QUINN, ALAN )  
DUCORSKY, LUIS GUILIN, KAY )  
ECKLER, BRIAN CALVERT, MARC )  
GROUP, JOHN J. GROSS, )  
CHRISTOPHER NELSON, and RANDY )  
NUNEZ on behalf of themselves and all )  
others similarly situated. )

Plaintiffs, )

v. )

Case No. 12-CV-8187 (VB)

WALGREEN CO., WAL-MART STORES, )  
INC., SUPER VALU, INC., and PERRIGO )  
COMPANY OF SOUTH CAROLINA, )  
INC., )

Defendants. )

\_\_\_\_\_ )

**OBJECTION OF CARMINE S. GRAJALES TO  
FINAL APPROVAL OF THE PROPOSED SETTLEMENT**

COMES NOW Carmine S. Grajales, through her counsel, and objects to the proposed settlement of the above styled cause.<sup>1</sup> This Objection shall also serve as notice that Counsel for Ms. Grajales intends to participate in this Court's fairness hearing on my behalf.

<sup>1</sup> These objections are based upon the information currently available. The Settling Parties possess a good deal of additional information that is highly relevant to the adequacy of the settlement and the appropriateness of the fee petition, however. Objector reserves the right to supplement these objections pending further proceedings in this cause.

1. I am Carmine S. Grajales.
2. I live at 2142 Musket Ridge Drive, Richmond, TX 77406-6834.
3. My telephone number is 832-545-9360.
4. I am represented by the following counsel:

Brian L. Bromberg  
Bromberg Law Office, P.C.  
26 Broadway, 21<sup>st</sup> Floor  
New York, NY 10004  
Tel: (212) 248-7906  
Fax: (212) 248-7908

—and—

Julie Nepveu (*Pro Hac Vice* to be filed)  
AARP Foundation Litigation  
601 E Street, NW  
Washington DC 20049  
Tel: (202) 434-2060  
Fax: (202) 434-6424

5. My counsel will appear on my behalf at the Fairness Hearing.
6. I purchased 2 packages of products covered by the settlement.
7. I object to the settlement for the following reasons:
  - A. The award of attorneys' fees disproportionately benefits the attorneys at the expense of providing meager relief to the class.

*See* Gardner Decl. at ¶¶6.1, 6.2.

- B. The monetary relief is inadequate to compensate class members compared to the best possible outcome. *See* Gardner Decl. at ¶6.1.
- C. The injunctive relief is illusory and too short-lived. *See* Gardner Decl. at ¶¶6.3, 6.8, 6.9.
- D. The releases are over broad in limiting complaints to regulatory agencies and releasing retailers and other unnamed parties, without any consideration, who were not sued and are not even identified in the settlement. *See* Gardner Decl. at ¶¶6.6, 6.7.
- E. Notice of the settlement is fatally defective because individual notice is not provided to those absent class members who could be identified through reasonable efforts. *See* Gardner Decl. at ¶6.5.
- F. The notice fails to alert settlement class members to material terms that must be explained, including the attorneys' fees provisions, names of the released parties, and the scope of the release. *See* Gardner Decl. at ¶¶6.4, 6.6, 6.7.
- G. The settlement contains secret and confidentiality terms that limit dissemination of information about the settlement to the

class and are against the public policy. *See* Gardner Decl. at

¶6.10.

WHEREFORE, the Settlement Agreement is not fair, reasonable, and adequate and should be disapproved.

Respectfully submitted,

/s/Brian Bromberg

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Counsel for Objector Carmine S. Grajales

**Certificate of Service**

I hereby certify that on November 24, 2014, I electronically filed the foregoing **OBJECTION OF CARMINE S. GRAJALES TO FINAL APPROVAL OF THE PROPOSED SETTLEMENT** with the Clerk of the Court for the United States District Court for the Southern District of New York by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/Brian Bromberg