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Bobbi Cecio

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVEN RUSSELL, individually
and on behalf of all others similarly
situated,

Plaintiff-Appellee,

BOBBI CECIO,

Objector-Appellant,

v.

KOHL'S DEPARTMENT STORES,
INC., a Delaware Corporation;
KOHL'S CORPORATION; and
DOES 1 through 20, inclusive,

Defendants-Appellees.

CASE NO. 5:15-cv-01143-RSK-SP

**NOTICE OF APPEAL BY
OBJECTOR-APPELLANT BOBBI
CECIO**

1 Notice is hereby given that class member and objector, Bobbi Cecio, appeals
2 to the Ninth Circuit Court of Appeals from the District Court’s October 13, 2016
3 Final Judgment (Doc. No. 102), and from the District Court’s September 12, 2016
4 Civil Minutes – General (Doc. No. 89), which purports to grant final approval of
5 a class action settlement, and from the District Court’s October 4, 2016 Order
6 Granting Award of Attorneys’ Fees and Costs, and Class Representatives’
7 Enhancement Payments (Doc. No. 96). Copies of each of these documents are
8 attached hereto as Exhibits 1, 2 and 3, respectively.

9 Pursuant to Federal Rule of Appellate Procedure 12(b), Circuit Rule 3-2(b)
10 and Circuit Rule 12-2, attached hereto as Exhibit 4 is the Appellant’s
11 Representation Statement.

12
13 Respectfully Submitted,

14
15 DATED: November 10, 2016

16 BLANCHARD, KRASNER & FRENCH

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16
17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19

20 STEVEN RUSSELL, et al.
21 Plaintiff,
22 vs.
23 KOHL'S DEPARTMENT STORES,
24 INC., et al.,
25 Defendants.
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Case No. 5:15-cv-01143-RSK-SP

[PROPOSED] FINAL JUDGMENT

Courtroom: 850
Judge: Hon. R. Gary Klausner
Action Filed: June 11, 2015

1 WHEREAS, on June 11, 2015, Class Representatives Steven Russell and
2 Donna Caffey (collectively, “Plaintiffs”), individually and on behalf of all others
3 similarly situated, filed this class action against Kohl’s Department Stores, Inc.
4 (“Kohl’s”) before this Court;

5 WHEREAS, on August 14, 2015, Plaintiffs filed a First Amended Complaint
6 against Kohl’s;

7 WHEREAS, on December 4, 2015, the Court granted Plaintiffs’ Motion for
8 Class Certification, certifying a class under Rule 23(b)(2) for injunctive relief only;

9 WHEREAS, the parties entered into a Class Action Settlement Agreement
10 fully executed on March 13, 2016, and an Amended Class Action Settlement
11 Agreement fully executed on May 3, 2016;

12 WHEREAS, on March 14, 2016, Plaintiffs submitted a Motion for Preliminary
13 Approval of Class Action Settlement and Conditional Certification (the “Motion for
14 Preliminary Approval”);

15 WHEREAS, on April 11, 2016, this Court granted Plaintiffs’ Motion for
16 Preliminary Approval, and on April 22, 2016, preliminarily approved the proposed
17 Amended Class Action Settlement Agreement; and

18 WHEREAS, following notice to the class regarding the Court’s preliminary
19 approval of the Amended Class Action Settlement Agreement, Plaintiffs on August
20 15, 2016 filed a Motion For Final Approval Of Class Action Settlement (“Motion for
21 Final Approval,” and Motion for Attorneys' Fees, Litigation Costs and Class
22 Representatives' Enhancement Payments;

23 WHEREAS, on September 12, 2016, this Court granted the class settlement,
24 took the Motion for Attorneys' Fees under submission, and provided Objectors and
25 Plaintiffs additional time to brief issues relating to the Motion for Attorneys' Fees;

26 Having read and considered the Motion For Final Approval, the Motion for
27 Attorneys' Fees, Litigation Costs and Representatives' Enhancement Payments, and
28 all papers filed in support thereof, including the further briefings by Class Counsel

1 and Objector McDonald, as well as all objections to the settlement and other material
2 in the Court’s docket relating to the issues, and in accordance with the Court’s prior
3 orders on the Motion for Final Approval and Motion for Attorneys’ Fees, IT IS
4 HEREBY ADJUDGED THAT:

5 1. The terms of the Amended Class Action Settlement Agreement are fair,
6 reasonable and adequate, and it is approved.

7 2. A Settlement Class of all persons who, while in the State of California,
8 and between June 11, 2011, and April 11, 2016 (the “Class Period”), purchased from
9 Kohl’s one or more items at a discount of at least 30% off of the stated “original” or
10 “regular” price, and who have not received a refund or credit for their purchase(s) is
11 certified for settlement purposes.

12 3. Notice of the settlement was provided to the Settlement Class in a
13 reasonable manner, and was the best notice practicable under the circumstances,
14 including through individual notice to all members who could be reasonably
15 identified through reasonable effort.

16 4. Kohl’s, with the assistance of Claims Administrator KCC and pursuant
17 to the Class Action Fairness Act of 2005 (“CAFA”), served timely notices of the
18 settlement to the Attorney General of the United States, and the Attorneys General of
19 all 50 states and the District of Columbia, the Attorneys General for the five
20 recognized voting U.S. Territories, as well as parties of interest to this action.

21 5. This action between the named Plaintiffs and the Settlement Class
22 Members, on the one hand, and Kohl’s, on the other hand, is dismissed with prejudice
23 on the merits.

24 6. As a result of the Court’s approval of the Amended Class Action
25 Settlement Agreement and dismissal of this action with prejudice, the named
26 Plaintiffs, and all Settlement Class members (other than those who timely filed valid
27 Opt-Out Requests) are permanently barred from asserting, or attempting to assert, any
28

1 of the Settlement Class Member Released Claims against Kohl's, which are defined
2 within the Amended Class Action Settlement Agreement in Section 10.1.

3 7. All parties shall bear their own fees (including attorneys' fees),
4 expenses, and costs, except that Class Counsel's application for an award of
5 Attorneys' Fees and Costs is granted, with Class Counsel to be paid \$1,462,500 in
6 fees plus reimbursement of costs in the total sum of \$62,425.00, which costs are to be
7 applied towards additional administrative costs, and paid to KCC.

8 8. Pursuant to the terms of the Amended Class Action Settlement
9 Agreement, Claims Administrator KCC will be paid \$1,000,000 from the Monetary
10 Component, in addition to the \$62,425.00 in costs referenced above that otherwise
11 had been designated to reimburse Class Counsel for costs.

12 9. Pursuant to the terms of the Amended Class Action Settlement
13 Agreement and the Order approving settlement, each named Plaintiff will receive
14 \$5,000 as an Enhancement Payment, all of which to be paid from the Monetary
15 Component of the Amended Class Action Settlement Agreement.

16 10. The Court hereby reserves its exclusive, general and continuing
17 jurisdiction over the Amended Class Action Settlement Agreement as needed or
18 appropriate in order to administer, supervise, implement, interpret or enforce the
19 settlement in accordance with its terms.

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22 Dated: October 13, 2016



23 HON. R. GARY KLAUSNER
24 UNITED STATES DISTRICT COURT
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 15-01143-RGK (SPx)	Date	September 12, 2016
Title	STEVEN RUSSELL v. KOHL'S DEPARTMENT STORES, INC., et al.		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE		
Sharon L. Williams	Sandra MacNeil	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Douglas Caiafa Chris Morosoff		James Speyer Sean Morris	

Proceedings: PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT [86]; PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS [85]

ALSO PRESENT: Ben Nutley for Objector McDonald

Court and counsel confer re terms of settlement. No objectors are present. Counsel for Objector McDonald addresses the Court. The Court grants the class settlement.

Court and counsel confer re motion for attorney fees and costs. The motion is taken under submission. Counsel shall submit additional briefing, not to exceed ten pages, as follows:

Plaintiff's additional brief due not later than September 22, 2016; opposition to be filed not later than September 27, 2016; and reply to be filed not later than October 3, 2016.

IT IS SO ORDERED.

_____ : _____ 25

Initials of Preparer slw

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13 Attorneys for Plaintiff STEVEN RUSSELL, et al.

NOTE:
CHANGES MADE
BY THE COURT

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 EASTERN DIVISION

17 STEVEN RUSSELL, et al.
18 Plaintiff,
19 vs.
20 KOHL'S DEPARTMENT STORES,
21 INC., et al.,
22 Defendants.

Case No. 5:15-cv-01143-RSK-SP

CLASS ACTION

ORDER GRANTING AWARD OF
ATTORNEYS' FEES AND COSTS,
AND CLASS REPRESENTATIVES'
ENHANCEMENT PAYMENTS
[PROPOSED]

Courtroom: 850
Date: September 12, 2016
Time: 9:00 a.m.
Judge: Hon. R. Gary Klausner

1 This matter came on for hearing on September 12, 2016, at 9:00 a.m. in
2 Courtroom 850 of the above-entitled court regarding Plaintiffs' Motion for award of
3 Attorneys' Fees and Costs, and Class Representative Enhancement. After duly
4 considering all papers filed and proceeding had herein, and otherwise being fully
5 informed, and good cause appearing therefore,

Including the further briefings by PlainClass Counsel and Objector,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECLARED THAT:**

7 The Motion for Attorneys' Fees and Costs, and Class Representatives'
8 Enhancement is GRANTED.
9

10 The Court finds that good cause exists for the granting of the Motion in that the
11 settlement is fair, reasonable, and adequate.

12 Plaintiffs' counsel are awarded attorney fees in the total sum of \$1,462,500.00,
13 plus reimbursement of costs in the total sum of ~~\$75,000.00~~ ^{\$62,425} of which is to be
14 applied towards additional administrative costs, and paid to KCC).

15 In addition to the sums paid to the class members, the Court also approves the
16 payment of an additional litigation enhancement of ~~\$7,500.00~~ ^{\$1,000.00} to Plaintiff STEVEN
17 RUSSELL, and ~~\$7,500.00~~ ^{\$1,000.00} to Plaintiff DONNA CAFFEY.

18 This Court shall maintain continuing jurisdiction over these settlement
19 proceedings to assure the effectuation thereof for the benefit of the Settlement Class.
20

21 IT IS SO ORDERED.

22 **OCT 04 2016**

23 Dated: ~~September~~, 2016

24 *Gary Klausner*
25 HON. R. GARY KLAUSNER
26 Judge of the United States District Court
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Bobbi Cecio

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVEN RUSSELL, individually
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Plaintiff-Appellee,

BOBBI CECIO,

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DOES 1 through 20, inclusive,

Defendants-Appellees.

CASE NO. 5:15-cv-01143-RSK-SP

**OBJECTOR-APPELLANT BOBBI
CECIO'S REPRESENTATION
STATEMENT RE NOTICE OF
APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE
NINTH CIRCUIT**

Judge: Hon. R. Gary Klausner
Dept: 850

Fed. R. App. P. 12(b)
Circuit Rule 3-2(b)
Circuit Rule 12-2

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14 DATED: November 3, 2016

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