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ENDORSED  
FILED  
San Francisco County Superior Court  
SEP 30 2008  
GORDON PARK-LI, Clerk  
By: ~~CLARK BANAYAD~~  
HEBRY CLERK

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO

12 MOHAMMAD KASHMIRI, et al., individually )  
and on behalf of a class of similarly situated )  
13 persons, )

14 Plaintiffs, )

15 v. )

16 THE REGENTS OF THE UNIVERSITY OF )  
17 CALIFORNIA, )

18 Defendant. )

) Case No. CGC-03-422747

) **ORDER GRANTING FINAL**  
) **APPROVAL TO PLAINTIFFS'**  
) **REVISED FINAL PLAN OF**  
) **DISTRIBUTION OF JUDGMENT**

) Date: September 24, 2008

) Time: 11:00 a.m.

) Dept.: 504

) Judge: Hon. Mary E. Wiss

) Action Filed: July 24, 2003

) Unlimited Civil Case  
)  
)  
)

1           Having considered Plaintiffs' Final Plan of Distribution and Revised Final Plan of  
2 Distribution, Class Member Comments and Objections, the oral argument of counsel on  
3 September 12 and 24, 2008, the relevant statutory and case law, and the papers and motions  
4 previously filed in this case, the Court finds that good cause exists to GRANT Final Approval to  
5 Plaintiffs' Revised Final Plan of Distribution.

6           This Court awarded Judgment to Plaintiffs on March 2, 2006, that included a substantial  
7 damages award to three subclasses of Plaintiffs. With post-judgment interest, those damages, as  
8 of the estimated distribution date of December 1, 2008, will equal \$3,904,775 to the Spring 2003  
9 Student Subclass, \$2,867,473 to the Summer 2003 Student Subclass, and \$35,390,975 to the  
10 Professional Student Subclass. If the distribution date is sometime after December 1, 2008,  
11 those amounts will continue to accrue interest at a rate of 3% per year pursuant to an agreement  
12 of the parties and previous Order of this Court.

13           The subclass damages were calculated at the time of Judgment by aggregating the fee  
14 overcharges paid by the subclass members and then subtracting the aggregate amounts of grant  
15 award offsets that represent the amount of revenue from these overcharges that the University  
16 returned to subclass members in grants. Plaintiffs have developed a proposed Plan of  
17 Distribution that they believe best calculates individual damages awards. As Plaintiffs have  
18 demonstrated, the calculation of individual fee overcharges is straightforward and can be done  
19 with precision from the University's records that indicate the program each student attended, the  
20 terms attended, and the amount of fees charged per term. Plaintiffs have presented three formulas  
21 (one for each subclass) for allocating the grant award offsets among the subclass members who  
22 received grants from the University.

23           The Court gave preliminary approval to these formulas and ordered notice to the class.  
24 There have been no objections to these formulas or the proposed Plan of Distribution. The Court  
25 finds that each of these proposed formulas is fair, reasonable, and adequate.

26           The Court has separately ruled on Plaintiffs' Motions for Common Fund Attorneys' Fees  
27 and Expenses and for Statutory Fees Pursuant to C.C.P. §1021.5. Those orders set forth the  
28 amount of attorneys' fees, expenses, and service payments to the named Plaintiffs approved by

1 the Court. Those attorneys' fees, expenses, and service payments will be deducted from the  
 2 common fund of damages to each subclass prior to the calculation of each individual award as  
 3 follows: first, the expenses and service payments will be deducted from the common funds for  
 4 each of the three subclasses in proportion to the amount awarded in the aggregate to each  
 5 subclass; and second, the attorneys' fees will be deducted from the remaining common funds in  
 6 the amount and manner described in the separate orders resolving the attorneys' fees motions.  
 7 The remaining amounts in each common fund will be allocated to subclass members according  
 8 to the formulas described in the Revised Final Plan of Distribution and approved by this Court.  
 9 The Court cannot calculate the exact amount that will be paid to each subclass or individual class  
 10 members because that depends on when the payment is made and interest stops accruing. But  
 11 based on current estimates, each subclass will receive more that 15% above the amount it was  
 12 overcharged (the damages principal).

13 Because interest will continue to accrue until the date of payment, the Court cannot  
 14 precisely calculate the amounts to be distributed. As of December 1, 2008, the amounts to be  
 15 distributed to class members, after deducting service payments, expenses, and attorneys' fees,  
 16 will be as set out in the final column of the following chart (rounded to the nearest dollar):

Subclass	Damages (principal)	Interest to 12/1/08	Due as of 12/1/08	Due 12/1/08 (net of exps. & svc pmts)	Attys' Fees	Net to be Paid to Class Members as of 12/1/08
Spring 2003	\$2,383,587	\$1,521,188	\$3,904,775	\$3,870,538	\$774,108	\$3,096,430
Summer 2003	\$1,808,454	\$1,059,019	\$2,867,473	\$2,842,332	\$568,466	\$2,273,866
Prof'l Student	\$23,901,220	\$11,489,755	\$35,390,975	\$35,080,625	\$7,016,125	\$28,064,500
Total	\$28,093,261	\$14,069,962	\$42,163,223	\$41,793,495	\$8,358,699	\$33,434,796

21 It is therefore HEREBY ORDERED that Plaintiffs' Revised Final Plan of Distribution is  
 22 APPROVED.

23 Pursuant to the Revised Final Plan of Distribution, it is HEREBY FURTHER ORDERED  
 24 that:

- 25 1. The payment allocated to each eligible class member shall be distributed as soon  
 26 as is practicable following the date this Order becomes Final as defined in the Revised Plan of  
 27 Distribution. Plaintiffs' counsel shall inform the Court when this Order has become Final.  
 28

1           2.       Checks shall be distributed to class members by regular mail with a letter as in the  
2 sample attached as Exhibit A.

3           3.       Checks shall be mailed to class members at the most recent address the Class  
4 Administrator has for each class member. Prior to the distribution of checks, the Class  
5 Administrator may, but is not required to, take reasonable additional steps to locate class  
6 members for whom mailed notices were previously returned as undeliverable, including by using  
7 the Postal Service's change of address database and "skip tracing" utilizing social security  
8 numbers. After the distribution of checks by mail, the Class Administrator may, but is not  
9 required to, take these or any additional steps to locate class members for whom checks are  
10 returned as undeliverable.

11           4.       Class members shall be provided 180 days following the issuance of their checks  
12 to cash them, after which the checks will be void. Any damages in excess of \$200,000 for any of  
13 the three subclasses that remain unclaimed after the expiration of that 180-day period after the  
14 initial distribution shall be re-distributed to those subclass members who claimed their share, in  
15 proportion to the initial shares. In light of processing costs, no additional distribution will be  
16 made to any subclass member whose share would be less than \$5. Plaintiffs shall obtain the  
17 Court's approval to distribute the monies before any re-distribution begins.

18           5.       If, after the initial and any later distribution, the amount of damages due to any  
19 subclass is less than \$200,000, the balance of the damages shall be paid in equal amounts to each  
20 of the following non-profit organizations: the University of California Students' Association, the  
21 Campaign for College Opportunity, and California Cash for College. Plaintiffs shall obtain the  
22 Court's approval to distribute the monies before making payment to any of these organizations.

23           6.       Following the initial distribution and any supplemental and cy pres distribution,  
24 Plaintiffs' counsel shall file a distribution report informing the Court of the distribution of money  
25 from the judgment in this case.

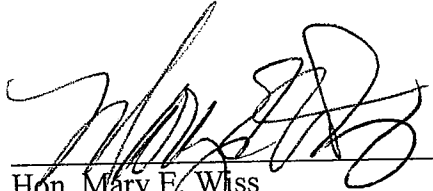
26           7.       Class members are to be responsible for paying their own taxes, if any, on any  
27 payments they receive. The Claims Administrator will issue 1099 Forms to each class member  
28 whose recovery includes \$600 or more of interest.

1           8.     If any class member has died, his or her claim share shall be paid to his or her heir  
2 upon the provision of an appropriate Court order or probate declaration authorizing said payment  
3 to his or her heir.

4           9.     The Court will address attorneys' fees, expenses, and service payments in  
5 separate orders with respect to Plaintiffs' motions for common fund and statutory fees.

6           IT IS SO ORDERED.

7  
8  
9     Sept 30, 2008  
10    Date

  
\_\_\_\_\_  
11    Hon. Mary E. Wiss  
12    Superior Court Judge

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Kashmiri v. Regents of the University of California  
Class Action Administrator  
P.O. Box 1931  
Faribault MN 55021-7186

<Date>

<<RUSTID>>  
<<NAME>>  
<<ADDRESS1>>  
<<ADDRESS2>>  
<<CITY>> <<STATE>> <<ZIP>>

Attached below is your payment from the Judgment in the class action titled Kashmiri v. Regents of the University of California. For further information regarding this case and payment, please see the information posted on the Internet at [www.ucfeesclassaction.com](http://www.ucfeesclassaction.com).

You must cash or deposit this check within 180 days. Any checks that are not negotiated within 180 days from the date of issue will be void, and new or replacement checks will not be issued.

Sincerely,

Settlement Administrator

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Deposit this check immediately as it will become void after 180 days.

Kashmiri v. Regents of the University of California  
Class Action Administrator  
P.O. Box 1931  
Faribault MN 55021-7186

<<CK #>>

Date	Control Number	Amount
<<DATE>>	<<RUSTID>>	<<AMT>>

VOID AFTER 180 days  
NOT VALID FOR AMOUNT OTHER THAN <<AMT>>  
Payee's signature required on back in order for this payment to be valid

Pay: <<AMT IN WORDS>>  
Payable to: <<NAME>>

SIGNATURE

EXHIBIT A

POSITIVE I.D. REQUIRED

DO NOT WRITE ON THIS LINE - RESERVED FOR FINANCIAL INSTITUTION USE