

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

JUL 17 2009

GORDON PARK-LI, Clerk  
BY: LINDA FONG  
Deputy Clerk

1 JONATHAN WEISSGLASS (SBN 185008)  
DANIELLE E. LEONARD (SBN 218201)  
2 Altshuler Berzon LLP  
177 Post Street, Suite 300  
3 San Francisco, CA 94108  
Telephone: (415) 421-7151  
4 Facsimile: (415) 362-8064

5 ANDREW D. FREEMAN  
Brown, Goldstein & Levy, LLP  
6 120 E. Baltimore Street, Suite 1700  
Baltimore, Maryland 21202  
7 Telephone: (410) 962-1030  
8 Facsimile: (410) 385-0869

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

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

13 Plaintiffs, )

14 v. )

15 THE REGENTS OF THE UNIVERSITY OF )  
CALIFORNIA, )

16 Defendant. )  
17

Case No. CGC-03-422747

~~PROPOSED~~ ORDER  
AMENDING FINAL PLAN OF  
DISTRIBUTION OF JUDGMENT

Date: June 22, 2009

Time: 9:30 a.m.

Dept.: 504

Judge: Hon. Mary E. Wiss

Action Filed: July 24, 2003

Unlimited Civil Case

1 On September 30, 2008, the Court entered an Order Granting Plaintiffs' Revised Final Plan  
2 of Distribution ("Order Regarding Distribution"). As reported by Plaintiffs' Counsel in their Report  
3 of June 19, 2009, as of May 31, 2009, a total of 29,874 payments totaling \$31,303,595.28 had been  
4 negotiated. As of that date, there was a balance of \$2,038,356.12 from checks that had been mailed  
5 to 5,016 class members but not negotiated, in addition to \$205,361.87 in payments that have been  
6 withheld from 54 class members pending receipt of a Social Security Number or mailing address, for  
7 a total of \$2,243,717.99 in unclaimed funds due to 5,070 class members. Of the 5,106 class  
8 members who had not negotiated their checks by the end of May, 3,677 are owed \$100 or more; of  
9 those, 1,338 are owed \$250 or more; and of those, 498 are owed \$500 or more (with one student  
10 owed \$9,999.89).

11 Under the current Order Regarding Distribution, Plaintiffs would now seek approval for a  
12 second distribution to all three subclasses (as more than \$200,000 is due to each subclass), with the  
13 undistributed funds being distributed to the class members who claimed their award in the initial  
14 distribution. However, due to the large number and amount of unclaimed awards, additional efforts  
15 should be made to locate students with unclaimed awards before their funds are redistributed to their  
16 classmates, and the Order Regarding Distribution should be amended accordingly.

17 Having considered Plaintiffs' proposal to amend that Order and heard oral argument of  
18 counsel on June 22, 2009, the Court finds that good cause exists to AMEND Plaintiffs' Revised  
19 Final Plan of Distribution as follows:

20 1. The class action administrator (Rust Consulting, Inc. or "the Administrator") shall  
21 work with The Casey Group to promptly provide the University with a list of the class members with  
22 unclaimed awards equal to or greater than \$250, broken down by campus and school ("the List").  
23 There are currently 1,338 class members with unclaimed awards of that amount; the actual number  
24 on the List will be somewhat lower, after subtracting class members who respond to the "trace" letter  
25 sent by the Administrator on June 12.

26 2. Upon receipt of the List from the Administrator, the University shall promptly  
27 distribute to the relevant campuses and alumni offices the portion of the list that pertains to their  
28 respective alumni. Within two weeks of receipt of the List, the University shall provide to the

1 Administrator any updated addresses, email addresses, and phone numbers in the possession of the  
2 school the student attended or its alumni office, as well as any address, email address, and phone  
3 number the school possesses for the student's parents or next of kin.

4 3. The Administrator may also take any additional steps to locate class members with  
5 unclaimed awards as are, in the Administrator's discretion, cost-effective. Such steps may, but are  
6 not required to, include performing a manual trace on the 498 class members who are owed \$500 or  
7 more.

8 4. Upon receipt of the updated contact information from the University or other sources,  
9 the Administrator shall make such efforts as it deems reasonable and cost-effective (which may, but  
10 are not required to include an e-mail or phone call) to contact each class member for whom it  
11 receives updated information.

12 5. Upon verifying identity, mailing address, and, where applicable, Social Security  
13 Number of any class member with an outstanding award, the Administrator shall mail a new check  
14 to that class member for the amount he or she would have received in the initial distribution. Any  
15 such checks must be negotiated on or before September 30, 2009, and shall be void thereafter.

16 6. The Administrator shall pay \$200.13 each to the 18 members of the Spring Student  
17 Subclass identified by Plaintiffs' Counsel as having received grant increases unrelated to the  
18 contested fee increases and shall pay \$1,900.74 each to the two members of the Professional Student  
19 Subclass identified by Plaintiffs' Counsel as having their contested fee for Spring 2004 omitted from  
20 the spreadsheet on which the original distribution was based.

21 7. To reimburse additional expenses, as provided in the Court's September 30, 2008,  
22 Order Granting Plaintiffs' Motion for Common Fund Attorneys' Fees and Expenses (at 2:14-19), the  
23 Administrator shall forward to Plaintiffs' Counsel the amount of \$218,285.64 from the judgment,  
24 allocated among the subclasses in proportion to the respective size of their initial award (i.e.  
25 \$183,224.60 from the Professional Student Subclass, \$20,215.65 from the Spring Student Subclass,  
26 and \$14,845.39 from the Summer Student Subclass). Plaintiffs' counsel may use \$118,285.64 of  
27 that amount to reimburse expenses incurred through May 2009, as detailed in Plaintiffs' Report  
28

1 Regarding Distribution of Judgment, and shall deposit the \$100,000 balance into an escrow account,  
2 from which counsel may pay additional expenses of this case.

3 8. In October 2009, Plaintiffs' counsel shall provide the Court with a report regarding  
4 the results of these additional distribution efforts and the expenses incurred.

5 9. The Court anticipates that, following that report, the Administrator will proceed with  
6 a second distribution and/or cy pres distributions as provided in the Order Regarding Distribution.  
7 As provided in the paragraphs 4 and 5 of that Order, Plaintiffs shall obtain the Court's approval to  
8 distribute the monies before any re-distribution or cy pres distribution.

9 10. In all other respects, the Order Regarding Distribution shall remain in effect.

10 IT IS SO ORDERED.

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12 JUL 17 2009

Mary E. Wiss

13 Date

Hon. Mary E. Wiss  
Superior Court Judge

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