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*Settlement Class Counsel and Counsel for Plaintiffs*  
9 *Mike Mertaban, Dennis Warner, Charles Cleves,*  
10 *Liz Hart and the Proposed Class*

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

ANDRÉ FLEURY, d/b/a SWISS WATCH )  
CO., MIKE MERTABAN, d/b/a WATCH )  
16 EXPERTS, DENNIS WARNER, and )  
CHARLES CLEVES, on behalf of )  
17 themselves and all other similarly situated )  
watchmakers, and LIZ HART, on behalf of )  
18 herself and all others similarly situated )  
consumers, )  
19  
Plaintiffs, )  
20  
vs. )  
21 RICHEMONT NORTH AMERICA, INC., )  
22  
Defendant. )

Case No. C05-04525 EMC  
**STIPULATION AND [PROPOSED]  
ORDER RE MODIFICATION OF  
NOVEMBER 28, 2007 ORDER**

1 WHEREAS on September 12, 2007, the Settling Parties filed a Joint Motion for  
2 Preliminary Approval of Proposed Class Settlement;

3 WHEREAS on October 17, 2007 and November 21, 2007, the Court heard oral  
4 arguments on the Joint Motion;

5 WHEREAS on November 28, 2007, the Court issued an Order Granting  
6 Preliminary Approval of Proposed Class Settlement;

7 WHEREAS paragraph 10 of the November 28, 2007 Order establishes January 14,  
8 2008 as the "Notice Date" by which the Settlement Administrator shall mail the Long  
9 Form Notice and publish the Publication Notice in one issue each of *Horological Times*,  
10 *Watch Time*, *Watch & Jewelry Review*, *Clocks magazine*, *hr:WATCHES*, and two  
11 consecutive issues of *The Wall Street Journal*;

12 WHEREAS certain of the agreed upon publications will not be published until  
13 January 15, 2008 – one day after the Notice Date established in the November 28, 2007  
14 Order;

15 WHEREAS paragraph 23 of the November 28, 2007 Order sets a final approval  
16 hearing for April 23, 2008;

17 WHEREAS pursuant to Civil Local Rule 7-2(a), the deadline to file a Motion for  
18 Final Approval of Class Settlement based on an April 23, 2008 hearing is March 19, 2008;

19 WHEREAS based on the current Notice Date, all opt-outs, objections, and Notices  
20 of Intention to Appear at the final approval hearing must be postmarked by March 14,  
21 2008 – three business days before the motion filing deadline;

22 IT IS HEREBY STIPULATED by plaintiff Mike Mertaban, plaintiff Dennis  
23 Warner, plaintiff Charles Cleves, plaintiff Liz Hart, and defendant Richemont North  
24 America, Inc., by and through their undersigned counsel, that the November 28, 2007  
25 Order Granting Preliminary Approval of Proposed Class Settlement should be modified as  
26 follows:

- 27 1. "Notice Date" should be defined as January 15, 2008; and
- 28 2. The final approval hearing should be continued by approximately 10 court

1 days.

2 SO STIPULATED.

3

4 Dated: November 29, 2007

By: *Esther Klisura*  
Bruce L. Simon  
Esther L. Klisura  
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15 Dated: November 29, 2007

By: *Amanda J. Gallagher*  
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America, Inc.*

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~~[PROPOSED]~~ ORDER

Good cause appearing, the November 28, 2007 Order Granting Preliminary Approval of Proposed Class Settlement shall be modified in the following respects only:

- 1. The "Notice Date" for mailing the Long Form Notice, publishing the Publication Notice, and establishing an internet website, shall be January 15, 2008; and
- 2. The Final Approval Hearing shall be held on May 7, 2008 at 2:30 ~~a.m.~~/p.m.

SO ORDERED.

Date: November 30, 2007

Honorable Edward M. Chen  
United States Magistrate

