

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF CALIFORNIA

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS IGLESIAS, individually)
and on behalf of all others similarly)
situated,)
)
Plaintiff,)
)
v.)
)
FERRARA CANDY CO., and)
DOES 1 through 10, inclusive,)
)
)
Defendants.)

Case No. 3:17-cv-00849-VC
CLASS ACTION

**OBJECTION OF PATRICK S. SWEENEY PRO SE TO THE PROPOSED
SETTLEMENT AND NOTICE OF INTENT NOT TO APPEAR**

NOW COMES, Pro Se Objector, Patrick S. Sweeney and hereby files these objections to the proposed settlement in this matter.

I. PROOF OF MEMBERSHIP IN CLASS

Upon information and belief Patrick S. Sweeney, Pro Se (“Objector”) believes he is a member of the class as defined in that certain Legal Notice of Class Action Settlement dated June 21, 2018 (the “Notice”). Objector’s address and telephone number are listed at the conclusion of this objection.

II. NOTICE OF INTENT TO NOT APPEAR

Objector hereby gives notice that he does NOT intend to appear at the Fairness Hearing at the Federal Courthouse located at the U.S. District Court for the Northern District of California on October 25, 2018 at 10:30 a.m.

III. OBJECTOR IS A CLASS MEMBER

After reviewing the Notice, the Objector states that he is a class member with standing to object to the Court's Order for Preliminary Approval of the Settlement by virtue of his purchasing one or more items from the list of covered products. Objector has submitted a timely claim. His Claim Number is **26515632**.

IV. REASONS FOR OBJECTING TO THE PROPOSED SETTLEMENT

A. The Requested Attorney Fees are Excessive.

Plaintiff Class Counsel requests that the Court award a total of \$625,000.00 dollars in attorney fees and \$102,172 in costs. The Settlement Fund is valued at \$2.5 million dollars. Class Counsel explains its request is 25% of the settlement fund and accordingly in line with the 9th Circuits benchmark. The percentage of the fund cases are often look at similar to other contingent fee cases and a percent of what the plaintiff is to receive is long held to be appropriate.

A closer look, however, reveals that class action percentage fees are very different. In this case the \$625,000 is *NOT* 25% of what the plaintiff is to receive. First, the settlement administrator is to be paid from the common settlement fund. Their fees are to be capped at \$522,000 (plus postage). Then class counsel is asking to be reimbursed for its litigation costs in the amount \$102,172. This leaves \$1,876,828. A contingent fee representing 25% of the amount received by the cash portion available to Class Members is \$469,207 dollars. Class Counsel has worked hard and achieved a good settlement for the Class. However the 9th Circuit's benchmark is 25% and therefore Class Counsel should be awarded \$469,207 in attorney's fees and \$102,172 dollars in litigation costs.

B. Adoption of Other Objections.

The Objector hereby adopts and joins in all other objections which are based on sufficient precedent and theories of equity and law in this case and hereby incorporates said objections by reference as if they were fully described herein.

CONCLUSION

WHEREFORE, This Objector, for the foregoing reasons, respectfully requests that the Court, upon proper hearing:

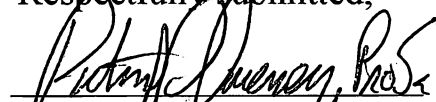
1. Sustain these Objections;

2. Enter such Orders as are necessary and just to adjudicate these Objections and to alleviate the inherent unfairness, inadequacies and unreasonableness of the proposed settlement; and

3. Award an incentive fee to this Objector for his role in improving the Settlement, if applicable.

Date: September 13, 2018

Respectfully submitted,


Patrick S. Sweeney, Pro Se

2672 Mutchler Road

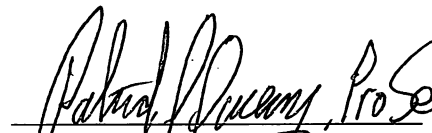
Madison, WI 53711

(424)-488-4383

patrickshanesweeney@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2018, I caused to be filed the foregoing with the Clerk of the Court of the United States District Court for Northern District of California by sending this document via First Class U.S Mail. In addition, when the Clerk files this document in the docket for this case all parties in this case who use the CM/ECF filing system will be noticed. In addition, the undersigned has sent a copy via email to the counsel as listed in the Notice.


Patrick S. Sweeney, Pro Se

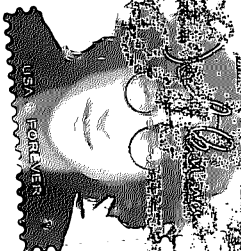
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MADISON, WI 53711

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