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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13

14 In re LIDODERM ANTITRUST  
15 LITIGATION

Master File No. 14-md-02521-WHO

MDL No. 2521

16  
17  
18 THIS DOCUMENT RELATES TO:  
19 END-PAYOR ACTIONS

**END-PAYOR PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR LEAVE  
TO CONDUCT EXPEDITED  
DISCOVERY FROM OBJECTOR  
PAMELA SWEENEY; MEMORANDUM  
OF POINTS AND AUTHORITIES IN  
SUPPORT**

1 **NOTICE OF MOTION AND MOTION**

2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that by this motion, and at a time and place designated by the  
4 Court if needed, End-Payor Plaintiffs (“EPPs”) will and hereby do move, pursuant to Federal  
5 Rules of Civil Procedure 26, 30, 34 and 45, for entry of an order granting leave to conduct  
6 limited discovery of objector Pamela Sweeney on an expedited basis.

7 EPPs respectfully submit that the discovery they seek is needed to develop a full factual  
8 record concerning Ms. Sweeney’s objection and to support any motion that EPPs may bring in  
9 connection with any appeal Ms. Sweeney might file from an order overruling her objection. The  
10 motion is based on this Notice of Motion and Motion, the supporting Memorandum, the  
11 accompanying declaration of Dena C. Sharp (the “Sharp Declaration”), and all papers and  
12 records on file in this matter.

13 Given the belated submission of Ms. Sweeney’s objection, EPPs respectfully request that  
14 the Court rule on this motion on an expedited basis and without a hearing. If the Court wishes to  
15 hold a hearing on this discovery motion, EPPs will make themselves available at any time that is  
16 convenient for the Court.

17 EPPs do not seek to continue the September 12 final approval hearing and believe instead  
18 the hearing should proceed on September 12 as scheduled.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 EPPs respectfully seek leave of Court to conduct limited discovery on an expedited basis  
4 in connection with the objection of Pamela Sweeney (ECF 1035, the “Sweeney Objection”).  
5 Defendants do not take a position with respect to the relief sought by this motion.

6 EPPs propose to take discovery relating to four issues—standing, merits, motive, and  
7 basis for an appeal bond—to develop a factual record to support an informed evaluation of this  
8 objection. The proposed discovery is needed to establish whether Ms. Sweeney is a class  
9 member, whether any appeal Ms. Sweeney chooses to file would be frivolous, and whether Ms.  
10 Sweeney should post an appeal bond in the event she appeals. EPPs expect that a deposition of  
11 Ms. Sweeney and their request for the limited categories of documents outlined in the proposed  
12 subpoena attached as Exhibit A to the Sharp Declaration will elicit information that is relevant to  
13 these issues. For the convenience of Ms. Sweeney, EPPs propose to take her deposition in her  
14 home district, the Western District of Wisconsin, at a location that is convenient to Ms. Sweeney.  
15 EPPs also respectfully request expedited discovery so that the requested information may be  
16 obtained promptly and in advance of any appeal Ms. Sweeney may file.<sup>1</sup>

17 EPPs do not seek to continue the September 12 final approval hearing and believe instead  
18 the hearing should proceed on September 12 as scheduled.

19 **II. RELEVANT BACKGROUND**

20 On July 31, 2018, EPPs filed a motion for final approval of the settlements and class  
21 counsel filed a motion for an award of attorneys’ fees and expenses. ECFs 1029 and 1030. The  
22 postmark deadline for mailed objections was August 21, 2018. ECF 1016 at 5. The final approval  
23 hearing is scheduled for September 12, 2018. The Sweeney Objection, postmarked August 25,  
24  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Ms. Sweeney’s objection should be overruled based on the record presently before the Court.  
28 *See Reply in Support of End-Payor Plaintiffs’ Motion for Final Approval of Settlements and  
Class Counsel’s Motion for Attorneys’ Fees and Expenses, ECF 1036, at 4-5.*

1 2018, is the only objection to class counsel’s request for attorneys’ fees and expenses. ECF 1035.  
2 No objections to the settlements are pending.<sup>2</sup>

3 **III. LEGAL STANDARDS**

4 The Federal Rules of Civil Procedure permit discovery from class action objectors.  
5 Pursuant to Rule 26(b), parties may obtain discovery of “any non-privileged material that is  
6 relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ.  
7 P. 26(b)(1). Rule 30(a)(1) permits a party to “depose any person,” whether or not that person is a  
8 party, and “[t]he deponent’s attendance may be compelled by subpoena under Rule 45.” Rule 45  
9 also allows parties to subpoena documents from non-parties. *See, e.g., In re Cathode Ray Tube*  
10 *(CRT) Antitrust Litig.*, 281 F.R.D. 531, 532 (N.D. Cal. 2012) (hereinafter “*CRT I*”).

11 While objections play a role in the settlement process and should be considered on their  
12 merits, if an absent class member voluntarily appears by filing an objection, he or she is  
13 “properly subject to discovery.” *Id.* at 533; *see also In re Yahoo Mail Litigation*, 13-CV-04980-  
14 LHW (N.D. Cal.), ECF 2 at ¶ 2 (authorizing expedited discovery of Mr. Sweeney concerning an  
15 objection he filed as “relevant, reasonable and proportional under F.R.C.P. 26.”). The Ninth  
16 Circuit has approved of the practice. *Laguna v. Coverall N. Am., Inc.*, 753 F.3d 918, 926 (9th  
17 Cir. 2014) (“[C]ourts commonly require objectors to make themselves available for deposition  
18 given the power held by objectors.”), *vacated as moot*, 772 F.3d 608 (9th Cir. 2014); *see also In*  
19 *re TFT-LCD (Flat Panel) Antitrust Litig.*, 289 F.R.D. 548, 554 (N.D. Cal. 2013) (Judge Illston  
20 held objectors in contempt for refusing to appear for deposition).

21 **IV. EXPEDITED DOCUMENT AND DEPOSITION DISCOVERY OF OBJECTOR**  
22 **SWEENEY IS APPROPRIATE**

23 Ms. Sweeney’s objection to class counsel’s requested fees and expenses is a boilerplate  
24 objection that is similar to ones she has filed in other cases. The entirety of her objection is that  
25 the request for 1/3 of the settlement fund as a fee request and reimbursement of expenses is “high

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26  
27 <sup>2</sup> On August 21, the Court received a submission from Patricia Honore Fleary. ECF 1034. Ms.  
28 Fleary has since informed the Court that she did not intend to object to the settlements. ECF  
1037.

1 and more should go to the class as it seems unfair that such a great amount goes to the  
2 attorneys.” ECF No. 1035. This objection is similar to the objection in *Rikos v. Proctor &*  
3 *Gamble*, for example, where Ms. Sweeney objected because “the attorney’s [sic] for the class are  
4 getting too much money.” 2018 WL 2009681, at \*13 (S.D. Ohio Apr. 30, 2018). As in *Rikos*,  
5 Ms. Sweeney “does not cite any record evidence or legal authority in support of her conclusory  
6 argument.” *Id.* Nor does her objection provide any information that would allow class counsel  
7 and the Court to determine whether she is a member of the class by virtue of her having  
8 purchased branded or generic Lidoderm during the relevant time period. EPPs therefore propose  
9 to take discovery relating to four issues—standing, merits, motive, and basis for an appeal  
10 bond—to develop a factual record to support an informed evaluation of this objection. *See*  
11 *Montoya v. PNC Bank, N.A.*, 2016 WL 1529902, at \*19 (S.D. Fla. Apr. 13, 2016) (“Such  
12 depositions not only serve to inform the Court as to the true grounds and motivation for the  
13 objection, but they also help develop a full record should the objector file an appeal.”).

14 The Sweeneys have previously been ordered to sit for depositions related to their  
15 objections. *E.g.*, *In re Yahoo Mail Litigation*, 13-CV-04980-LHW (N.D. Cal.), ECF 2 at ¶3 (Mr.  
16 Sweeney); *Snyder’s-Lance*, Transcript of Deposition of Pamela Sweeney dated May 12, 2016,  
17 Sharp Decl., Ex. B. Class counsel are unaware of any court denying a request to depose any  
18 Sweeney objector. After Ms. Sweeney moved to quash her deposition subpoena in *Snyder’s-*  
19 *Lance*, the court stated “[t]his is the third motion to quash filed in this court within the past week  
20 by Mrs. Sweeney or by Patrick Sweeney,” and found that Ms. Sweeney’s objections were  
21 “boilerplate.” The court denied the motion to quash on the same day it was filed, and further  
22 stated that failure to comply with the subpoena could subject Ms. Sweeney to sanctions. Sharp  
23 Decl., Ex. C.

24 **A. Discovery Is Likely to Provide Evidence Relevant to Standing**

25 “Formal objections may only be made by class members.” *In re: Cathode Ray Tube*  
26 *(CRT) Antitrust Litig.*, 2016 WL 3648478, at \*23 (N.D. Cal. July 7, 2016) (hereinafter “*CRT IP*”)  
27 (citing *In re TracFone Unlimited Serv. Plan Litig.*, 112 F. Supp. 3d 993, 1008 (N.D. Cal. 2015)).  
28 “The burden is on [the objector] to prove that he has standing to object.” *TracFone*, 112 F. Supp.

1 3d at 1008; *see also In re Yahoo Mail Litig.*, 2016 WL 4474612, at \*8 (N.D. Cal. Aug. 25, 2016)  
2 (overruling objection of Mr. Sweeney due to his “inability to show standing” where he “guessed”  
3 he was a class member but had no evidence). Ms. Sweeney will be unable to appeal any fee  
4 award if she lacks standing. *See Stetson v. Grissom*, 821 F.3d 1157, 1163 (9th Cir. 2016) (an  
5 objector “must demonstrate standing to appeal independent of his ability to object before the  
6 district court”).

7 Here, Ms. Sweeney does not state that she purchased branded or generic Lidoderm, nor  
8 does she indicate that she is aware of the categories of purchasers that are excluded from the  
9 End-Payor Class. *See* ECF No. 1035 at 1. It is unclear whether Ms. Sweeney is a class member  
10 eligible to object to class counsel’s motion for attorneys’ fees and expenses. Discovery into  
11 issues concerning her standing to object is appropriate. *See In re Netflix Privacy Litig.*, 2013 WL  
12 6173772, at \*5 (N.D. Cal. Nov. 25, 2013) (“The request for discovery is proper as it will be used  
13 to pursue information regarding Objectors’ standing . . .”).

14 **B. Discovery Is Needed to Lay the Factual Predicate for any Appeal Bond**

15 Based on her past practices, Ms. Sweeney may notice an appeal if the Court rejects her  
16 objection. Plaintiffs will therefore move for an order compelling Ms. Sweeney to post an appeal  
17 bond. Federal Rule of Appellate Procedure 7 provides that “[i]n a civil case, the district court  
18 may require an appellant to file a bond or provide other security in any form and amount  
19 necessary to ensure payment of costs on appeal.” District courts consider three factors when  
20 determining whether to require a Rule 7 bond of an objector: (1) the objector’s ability to post a  
21 bond, (2) the risk that the objector would not pay costs following an unsuccessful appeal, and (3)  
22 the likelihood of success on appeal. *Netflix*, 2013 WL 6173772, at \*3. Discovery is critical to  
23 developing a factual record for evaluating these three factors. *See Montoya*, 2016 WL 1529902,  
24 at \*19 (“All district courts have a duty to serve as a gatekeeper for asserted objections before  
25 they rise to the appellate level”).

26 There is limited publicly-available information concerning Ms. Sweeney’s financial  
27 status, and discovery will provide information relevant to Ms. Sweeney’s ability to post a bond.  
28 It is also essential to investigate the risk of non-payment of costs following an appeal. Risk of

1 non-payment is reasonably associated with out-of-district objectors. *Netflix*, 2013 WL 6173772,  
2 at \*3 (“Courts in the Northern District of California have recognized the difficulty and risk  
3 associated with collecting costs from out-of-state appellants.”) (citing *Schulken v. Washington*  
4 *Mut. Bank*, 2013 WL 1345716, at \*15 (N.D. Cal. Apr. 2, 2013)). And discovery concerning Ms.  
5 Sweeney’s standing to object and the merits of her objection will be relevant to her likelihood of  
6 success on appeal.

7 Limited discovery is thus appropriate to provide the Court with a sufficient record on  
8 which to base any appeal-bond ruling. It is also appropriate for discovery of Ms. Sweeney to  
9 occur before she files an appeal as EPPs will request that the Court order her to pay an appeal  
10 bond at the same time she files a notice of appeal.

11 **C. Discovery is Needed to Evaluate Whether Ms. Sweeney May Proceed *In***  
12 ***Forma Pauperis* on Appeal**

13 Under 28 U.S.C. 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial  
14 court certifies in writing that it is not taken in good faith.” “The Ninth Circuit has construed ‘not  
15 taken in good faith’ to mean frivolous.” *Miller v. Oliveria*, 2013 WL 3354465, at \*2 (N.D. Cal.  
16 July 2, 2013) (citing *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir.2002)). “For  
17 purposes of § 1915, an appeal is frivolous if it lacks any arguable basis in law or fact.” *Emrit v.*  
18 *Yahoo, Inc.*, 2014 WL 3841015, at \*4 (N.D. Cal. Aug. 4, 2014) (citing *Neitzke v. Williams*, 490  
19 U.S. 319, 325, 327 (1989); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977)). Discovery of  
20 Ms. Sweeney will likely uncover evidence that is relevant to this inquiry.

21 As detailed below, Ms. Sweeney is a serial objector, which raises valid concerns over  
22 whether her objection and any related appeals would be filed in good faith. Courts are familiar  
23 with the tactics of serial objectors who attempt to extort money from counsel by threatening to  
24 delay a class settlement through an appeal. *See, e.g., Montoya*, 2016 WL 1529902, at \*19. Ms.  
25 Sweeney fits this description. “In three cases, Mrs. Sweeney has entered into settlement  
26 agreements under which she agreed to waive her objection.” *Rikos*, 2018 WL 2009681, at \*13;  
27 *see also In re Checking Account Overdraft Litig.*, 830 F. Supp. 2d 1330, 1362 n.30 (S.D. Fla.  
28 2011) (“[M]ost if not all of the Objections are motivated by things other than a concern for the

1 welfare of the Settlement Class. Instead, they have been brought by professional objectors and  
2 others whose sole purpose is to obtain a fee by objecting to whatever aspects of the Settlement  
3 they can latch onto.”). Ms. Sweeney’s motive for objecting is relevant and discovery is  
4 appropriate. *See Roberts v. Electrolux Home Prods., Inc.*, 2014 WL 4568632, at \*12 (C.D. Cal.  
5 Sept. 11, 2014) (“[T]he fact that [Ms. Sweeney] is also a serial objector in class action matters  
6 raises additional issues as to the legitimacy of the objection”). Ms. Sweeney has filed a number  
7 of appeals, and then had them dismissed for failure to prosecute or for other reasons. *E.g. Kumar*  
8 *v. Salov North Am. Corp.*, 2017 WL 5502713, at \*1 (9th Cir. Sept. 21, 2017); *In re Packaged Ice*  
9 *Antitrust Litig.*, 2017 WL 8236039, at \*1 (6th Cir. Oct. 11, 2017); *Rougvie v. Ascena Retail Grp.,*  
10 *Inc.*, 2016 WL 6069968, at \*2 n.6 (E.D. Pa. Oct. 14, 2016).

11 In addition, whether Ms. Sweeney is class member with standing to object in the first  
12 instance will also be relevant to whether the Court should certify under section 1915(a)(3) that  
13 any appeal she files would be frivolous. It is appropriate for such discovery to occur before Ms.  
14 Sweeney files her appeal as EPPs will seek to promptly oppose any motion she might file to  
15 proceed *in forma pauperis* in connection with her appeal.

#### 16 **D. The Sweeneys’ History of Serial Objections**

17 Ms. Sweeney and her family—husband Patrick Sweeney (a now-disbarred lawyer) and  
18 adult daughter Kerry Ann Sweeney—are serial objectors to class action settlements. *See, e.g.,*  
19 *Larsen v. Trader Joe’s Company*, 2014 WL 3404531, at \*6, n.4 (N.D. Cal. July 11, 2014) (this  
20 Court overruled the Sweeneys’ objections as without merit, recognizing that “Patrick Sweeney []  
21 has a long history of representing objectors in class actions proceedings” and that he has also  
22 “previously represented [Ms. Sweeney and his daughter] as objectors.”); *Kumar v. Salov North*  
23 *Am. Corp.*, 2017 WL 2902898, at \*3 (N.D. Cal. July 7, 2017) (overruling objection from Ms.  
24 Sweeney); *Edwards v. National Milk Producers Federation*, 2017 WL 4581926, at \*4 (N.D. Cal.  
25 Sept. 13, 2017) (finding that Ms. Sweeney’s appeal of the order overruling her objection “fails to  
26 raise non-frivolous issues”).

27 One court recently observed that “Mrs. Sweeney has objected to 18 settlements in just  
28 the past five years.” *Rikos*, 2018 WL 2009681, at \*13. Class counsel is aware of at least two



1 more objections that she has filed in recent months.<sup>3</sup> “Courts have described her objections as  
2 frivolous and ‘too vague . . . to properly analyze.’” *Id.* (quoting *Friedman v. Guthy-Renker,*  
3 *LLC*, 2017 WL 6527295, at \*9 (C.D. Cal. Aug. 21, 2017)). And where she has filed an appeal  
4 after her objections were overruled, Ms. Sweeney has failed to pay the required fees or had the  
5 appeals dismissed for other procedural reasons. *See Kumar*, 2017 WL 5502713, at \*1; *Packaged*  
6 *Ice*, 2017 WL 8236039, at \*1; *Rougvie*, 2016 WL 6069968, at \*2 n.6. Ms. Sweeney has never  
7 convinced a trial court to uphold her objection to a settlement or the attorneys’ fees or expenses  
8 and has never prosecuted an appeal to decision. Sharp Decl., ¶ 5.

9 Ms. Sweeney generally objects to the attorneys’ fees and expense reimbursement  
10 requests as unreasonable and “high” but does not provide any specifics. She also claims that she  
11 is a “member of the class” but does not attest that she has ever purchased Lidoderm. ECF 1035.  
12 Ms. Sweeney has not attested under oath that she is a class member or provided the specifics of  
13 her alleged purchases. Attempts to discuss her objection and her class membership have been  
14 unsuccessful. Sharp Decl., ¶ 6.

## 15 **V. CONCLUSION**

16 EPPs therefore request that the Court permit them to conduct limited discovery on an  
17 expedited basis and enter the proposed order approving the form of subpoena.

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23 <sup>3</sup> *See Mollicone v. Universal Handicraft*, 2018 WL 3913689, at \*1 (S.D. Fla. Aug. 14, 2018)  
24 (there has been one objection by Pamela Sweeney to the Settlement, which the Court finds  
25 lacks merit”); *Vuckovic v. KT Health Holdings, LCC*, Case No. 15-cv-13696-GAO, ECF 64 at  
26 3 (D. Mass. June 6, 2018). A partial list of Ms. Sweeney’s objections and information about  
those objections is detailed at <https://www.serialobjector.com/persons/154>.

27 Ms. Sweeney’s husband is also a serial objector. In 2016 he testified that at that point he had  
28 “objected in 25 federal cases across the country.” *Yahoo Mail Litig.*, 2016 WL 4474612, at \*8-  
9 (describing Mr. Sweeney as a “serial objector” and overruling his objection).

1 DATED: September 6, 2018

Respectfully submitted,

2 /s/ Dena C. Sharp

3 Daniel C. Girard (SBN 114826)

4 Dena C. Sharp (SBN 245869)

5 Scott Grzencyk (SBN 279309)

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5 *Liaison Counsel for Plaintiffs and the End-  
6 Payor Class*

7  
8 **ATTESTATION**

9 I, Dena C. Sharp, am the ECF User whose identification and password are being used  
10 to file End-Payor Plaintiffs' Motion for Leave to Conduct Expedited Discovery. Pursuant to  
11 Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been  
12 obtained from all counsel.

13 DATED: September 6, 2018

14 /s/ Dena C. Sharp  
15 Dena C. Sharp

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on September 6, 2018, I electronically filed the foregoing document  
18 using the CM/ECF system, which will send notification of such filing to all counsel of record  
19 registered in the CM/ECF system.

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21 /s/ Dena C. Sharp  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST  
LITIGATION

Master File No. 14-md-02521-WHO  
MDL No. 2521

THIS DOCUMENT RELATES TO:  
END-PAYOR ACTIONS

**DECLARATION OF DENA C. SHARP IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR EXPEDITED DISCOVERY FROM  
OBJECTOR PAMELA SWEENEY**

1 I, Dena C. Sharp, hereby declare under penalty of perjury:

2 1. I am a partner at Girard Gibbs LLP and am admitted to practice in the Northern  
3 District of California. Girard Gibbs is court-appointed Co-Lead Counsel in this matter along with  
4 Heins Mills & Olson, P.L.C., and Cohen Milstein Sellers & Toll PLLC. I submit this declaration  
5 in support of End-Payor Plaintiffs' Motion for Leave to Conduct Expedited Discovery from  
6 Objector Pamela Sweeney. The following statements are based on my personal knowledge and  
7 review of the files in this case and, if called on to do so, I could and would testify competently  
8 thereto.

9 2. Attached hereto as Exhibit A is the proposed Subpoena To Testify at a Deposition  
10 in a Civil Action and To Produce Documents directed at objector Pamela S. Sweeney, Esq.

11 3. Attached hereto as Exhibit B is a true and correct copy of a transcript of the  
12 deposition of Pamela A. Sweeney dated May 12, 2016 in her capacity as objector in *Barron v.*  
13 *Snyder's-Lance, Inc.*, 13-cv-62496-JAL (S.D. Fla.), obtained via PACER.

14 4. Attached hereto as Exhibit C is a true and correct copy of an order of Magistrate  
15 Judge Stephen Crocker (W.D. Wis.) dated May 10, 2016, obtained via PACER.

16 5. Co-Lead Counsel is unaware of any instances in which a trial court has upheld  
17 one of Ms. Sweeney's objections or where she has prosecuted an appeal concerning one of her  
18 objections to decision.

19 6. Co-Lead Counsel has attempted to contact Ms. Sweeney using the contact  
20 information provided in her objection but has been unsuccessful.

21 7. We have met and conferred with counsel for Defendants, who have indicated that  
22 they do not take a position on the motion.

23  
24 I declare under penalty of perjury under the laws of California that the foregoing is true  
25 and correct. Executed on this 6th day of September, 2018, at San Francisco, California.

26  
27 /s/ Dena C. Sharp

28 Dena C. Sharp

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 6, 2018, I electronically filed the foregoing document  
3 using the CM/ECF system, which will send notification of such filing to all counsel of record  
4 registered in the CM/ECF system.

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6 /s/ Dena C. Sharp  
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# EXHIBIT A

UNITED STATES DISTRICT COURT
for the
Northern District of California

In re Lidoderm Antitrust Litigation

Plaintiff

v.

Defendant

Civil Action No. 14-md-02521-WHO

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Pamela Sweeney

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attachment A

Table with 2 columns: Place: (To be determined), Date and Time:

The deposition will be recorded by this method: Stenographic means and/or video

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment B

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) End-Payor Plaintiffs

, who issues or requests this subpoena, are: Dena C. Sharp, Girard Gibbs LLP, 601 California Street, Suite 1400, San Francisco, CA 94108 Tel: 415.981.4800

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 14-md-02521-WHO

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## ATTACHMENT A

### I. DEFINITIONS

1. “Action” means the case captioned *In re Lidoderm Antitrust Litigation*, 3:14-md-02521-WHO (N.D. Cal.) and each of the constituent actions consolidated therein.

2. “Communication” means the disclosure, transfer, or exchange of oral or written information between one or more persons or entities by any means, and includes, without limitation, correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, and postings of any type.

3. “Document” means all documents, information, or things within the scope of Federal Rule of Civil Procedure 34(a)(1)(A), including all electronically stored information (“ESI”) as defined below in its native format and all associated metadata.

4. “ESI” means electronically stored information or data, and is to be interpreted broadly, as used in the Federal Rules of Civil Procedure and the advisory committee notes thereto, to include all information regardless of the storage media (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, voicemail system, or mobile device such as a smart phone, tablet, or cell phone).

5. “Objection” means any legal filings or pleadings opposing a proposed or existing class action settlement or an award of attorneys’ fees and costs in a class action case, including filings relating to any appeal. The term “objection” includes the objection filed in the Action, which is attached as Attachment C.

6. “You” and “your” means Pamela Sweeney.

## **II. RELEVANT TIME PERIOD**

Unless stated otherwise, the relevant time period referred herein is January 1, 2012 through the date of responses (the “Relevant Time Period”) and shall include all documents and information that relate to such period, even though prepared or published outside of the Relevant Time Period.

## **III. IDENTIFICATION OF SUBJECT MATTERS FOR EXAMINATION**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure and the Court’s Order dated [REDACTED], End-Payor Plaintiffs may examine non-party Pamela Sweeney concerning the following subject matters:

1. The preparation of the objection you filed in the Action.
2. Communications relating to the objection you filed in the Action.
3. Any agreements between you and any person relating to the objection you filed in the Action.
4. Your knowledge of the Action, the claims alleged therein, and the terms of the End-Payor Plaintiffs’ motion for the payment of attorneys’ fee and expenses in connection with the settlements in the Action.
5. Your purchases of Lidoderm and/or lidocaine patch 5% during the Relevant Time Period.
6. The terms of any health insurance with a prescription drug benefit that you were enrolled in, including any co-payments or co-insurance, during the Relevant Time Period.
7. Your financial situation.

8. Any monetary payment made to you, a member of your immediate family, or any person with whom you have or had a relationship through your employment, in consideration of the withdrawal of an objection to a class action settlement.

9. Any court orders entered in relation to any objections you have filed, or that were filed on your behalf, in connection with other class action settlements.

## **ATTACHMENT B**

### **I. DEFINITIONS AND RELEVANT TIME PERIOD**

The Definitions and Relevant Time Period set forth in Attachment A are incorporated by reference hereto.

### **II. INSTRUCTIONS**

1. If no document responsive to a request exists, please state that no responsive document exists.
2. All prior versions and all drafts of all documents and e-mails must be produced.
3. If any responsive document was, but is no longer in your possession or subject to your control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred to others, voluntarily or involuntarily, or (iv) has been otherwise disposed of, and in each instance explain the circumstances surrounding the disposition and state the date of approximate date of such disposition.

### **III. REQUEST FOR PRODUCTION**

1. All documents relating to your assertion that you are a member of the End-Payor Class in the Action, including documents showing whether you have ever purchased Lidoderm and/or lidocaine patch 5%, the amount(s) you paid, the dates of the purchase(s), and the location of the purchase(s).
2. Documents sufficient to show whether you were covered by health insurance with a prescription drug benefit when you purchased Lidoderm and/or lidocaine patch 5%, and if so the terms of your coverage, during the Relevant Time Period.
3. Documents sufficient to show any co-payments or co-insurance you paid for your purchase(s) of Lidoderm and/or lidocaine patch 5% during the Relevant Time Period.

4. All documents relating to your objection filed in the Action, including drafts of your objection and communications regarding the drafts.

5. Copies of any and all legal authority in support of your objection.

6. All communications with any person, including any other objector or any attorney, relating to your objection filed in the Action.

7. All documents that would reflect any persons who participated in drafting your objection.

8. All documents relating to all agreements between you and any person, including any other objector or any attorney, in connection to the Action, including any agreement to compensate you for acting as an objector.

9. All documents relating to any objection you filed, or that was filed on your behalf, in connection with any other class action settlement.

10. All documents relating to any monetary payment made in connection with any objection you filed, or that was filed on your behalf, in any other class action settlement.

# EXHIBIT B



Atkinson-Baker Court Reporters  
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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF FLORIDA  
3 MIAMI DIVISION

4 Case No. 0:13-cv-62496-LENARD-GOODMAN

5 \* \* \* \* \*

6 ADELE FERRARA, DANA COOKE, RAHSAAN ASHFORD,  
7 ANNE STEIMLE, STEVE TROUT, TERRY SHPIRO,  
8 BENJAMIN BARTELL, ARTHUR KAROS, LARRY  
ROSENGARTEN, and JOSHUA SEIDMAN, individually  
and on behalf of all others similarly situated,

9 Plaintiffs,

10 vs.

11 SNYDER'S-LANCE, INC., and SNACK FACTORY, LLC, a  
12 wholly-owned subsidiary of SNYDER'S-LANCE,  
INC.,

13 Defendants.

14 \* \* \* \* \*

15 DEPOSITION OF PAMELA SWEENEY

16 TAKEN AT: Capitol Executive Suites  
17 LOCATED AT: 10 East Doty Street  
18 Madison, WI

19 May 12, 2016  
1:31 p.m. to 5:05 p.m.

20 REPORTED BY ANITA K. FOSS  
21 REGISTERED PROFESSIONAL REPORTER

22 \* \* \* \* \*

23 ATKINSON-BAKER, INC.  
24 COURT REPORTERS  
(800) 288-3376  
www.depo.com  
25 FILE NO.: AA050F3

1 APPEARANCES  
 2 HALUNEN LAW, by  
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 3 80 South Eighth Street  
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 4 (612) 605-4098  
 boyle@halunenlaw.com  
 5 Appearing via Skype on behalf of the Plaintiffs.  
 6

7 TROUTMAN SANDERS, LLP, by  
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 8 Charlotte, NC 28202  
 (704) 998-4072  
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 Appearing telephonically on behalf of the  
 10 Plaintiffs.  
 11

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16 EXHIBITS  
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 18 1 Subpoena. . . . .15  
 19 2 Order denying motion to quash. . . .26  
 20 3 Objection. . . . .61  
 21 4 Letter regarding Trader Joe's  
 22 class action objections. . . . .99  
 23 (Original exhibits attached to original  
 transcript. Copies provided to all counsel.)  
 24  
 25

Page 2

1 TRANSCRIPT OF PROCEEDINGS  
 2 PAMELA SWEENEY, called as a witness  
 3 herein, having been first duly sworn on oath,  
 4 was examined and testified as follows:  
 5 EXAMINATION  
 6 BY MS. BOYLE:  
 7 **Q. Ms. Sweeney, I appreciate you coming**  
 8 **today to have your deposition taken. I know you'd**  
 9 **asked via e-mail about the witness fee. We will**  
 10 **mail that to you directly. Can you tell me how**  
 11 **many miles it was from your home to where you are**  
 12 **at the deposition today?**  
 13 A. Oh, gosh, I don't know. I'm out in  
 14 Fitchburg. I don't know. I can't honestly say.  
 15 Eight, ten.  
 16 **Q. And the address that we mailed the**  
 17 **subpoena to at, is that your current address?**  
 18 A. Yes, that's the correct address.  
 19 **Q. I can just calculate the mileage.**  
 20 A. I mean, it could be more. I don't really  
 21 know. Could be less. I don't know.  
 22 **Q. Okay. As you noticed, the court reporter**  
 23 **just administered an oath.**  
 24 A. Yes.  
 25 **Q. Do you understand what that means?**

Page 3

1 A. Yes, I do.  
 2 **Q. And what does that mean?**  
 3 A. It means I swear to tell the truth, the  
 4 whole truth, and nothing but the truth, so help me  
 5 God.  
 6 **Q. Okay. And you understand that if you're**  
 7 **not telling the truth today, you're subject to the**  
 8 **penalty of perjury?**  
 9 A. I understand.  
 10 **Q. And that means that you could be subject**  
 11 **to sanctions from either the court in Florida that**  
 12 **governs this entire landscape, or the Western**  
 13 **District of Wisconsin, where you filed your motion**  
 14 **to quash the deposition for today.**  
 15 A. I understand.  
 16 **Q. Can you state and spell your full name**  
 17 **for the record, please?**  
 18 A. Pamela Sweeney.  
 19 **Q. And what's your middle name?**  
 20 A. Ann.  
 21 **Q. What's your date of birth?**  
 22 A. 11/28/1958.  
 23 **Q. Have you ever been known by any other**  
 24 **name?**  
 25 A. My maiden name.

Page 4

1 **Q. What's your maiden name?**  
 2 A. Sachtjen. I'll spell that for you. S as  
 3 in Sam, A-C-H-T-J-E-N.  
 4 **Q. Have you had your deposition taken**  
 5 **before?**  
 6 A. Yes.  
 7 **Q. How many times have you had your**  
 8 **deposition taken?**  
 9 A. Once.  
 10 **Q. When was that?**  
 11 A. Monday.  
 12 **Q. What was that related to?**  
 13 A. A class action.  
 14 **Q. Did you object to a class action**  
 15 **settlement?**  
 16 A. I did.  
 17 **Q. What was the case?**  
 18 A. The Blue Buffalo.  
 19 **Q. Where did you have your deposition taken?**  
 20 A. Downtown Madison.  
 21 **Q. Any other depositions that you've had**  
 22 **taken before?**  
 23 A. No.  
 24 **Q. Have you ever testified in court before?**  
 25 A. I don't believe so.

Page 5

1 **Q. You never had anyone administer that oath**  
 2 **that the court reporter just did in any courthouse**  
 3 **or anything like that?**  
 4 A. I don't believe so.  
 5 **Q. I know that you just had your deposition**  
 6 **taken on Monday, but I'm just going to review the**  
 7 **ground rules for the deposition, just to make sure**  
 8 **mostly that we have a clear record and that we can**  
 9 **understand each other today.**  
 10 **First, it's important that you**  
 11 **answer in words. Although you and I can see each**  
 12 **other, the court reporter can see you, when she's**  
 13 **taking it down, she cannot take down nods of the**  
 14 **head or shaking of your head. So it's important**  
 15 **that you answer in words, and no uh-huhs or uh-uhs,**  
 16 **'cause those look the same on the record. Do you**  
 17 **understand that?**  
 18 A. Yes.  
 19 **Q. It's also important that we don't talk**  
 20 **over one another. And we're on the phone, it's**  
 21 **actually a little bit easier today for us. Also,**  
 22 **it's very important that you understand the**  
 23 **questions I'm asking you. If I ask a question that**  
 24 **you don't understand, please ask me to repeat or**  
 25 **rephrase the question, and I will do so. But if**

Page 6

1 **you answer a question that I ask, I will understand**  
 2 **that you understood it; is that fair?**  
 3 A. That is fair.  
 4 **Q. Also, if you need a break at any time,**  
 5 **just please let me know and we can take a break. I**  
 6 **would just ask that before any break, you answer**  
 7 **the question that's pending.**  
 8 A. Okay.  
 9 **Q. Ms. Sweeney, where do you live?**  
 10 A. As long as we're on parameters, it was  
 11 clear by the Court that the questioning has to be  
 12 regarding my objection. I just want that on the  
 13 record.  
 14 **Q. Okay. And so I'll get to that. And we**  
 15 **can mark that as an exhibit so that we have that**  
 16 **here at the deposition.**  
 17 A. Okay.  
 18 **Q. And so that we're both understanding, you**  
 19 **know, what the rules are.**  
 20 A. Okay.  
 21 **Q. Good enough. So tell me what your**  
 22 **address is.**  
 23 A. Yes. 2590 Richardson Street, Madison,  
 24 Wisconsin 53711.  
 25 **Q. How long have you lived there?**

Page 7

1 A. Since July.  
 2 **Q. Where did you live before that?**  
 3 A. 57 -- well, 5763 Golden Terrace, Madison,  
 4 Wisconsin. I lived at for 19 years.  
 5 **Q. Have you always lived in the Madison**  
 6 **area?**  
 7 A. No.  
 8 **Q. Where else have you lived?**  
 9 A. I've lived -- you mean my whole life?  
 10 **Q. Yes.**  
 11 A. I've lived in San Diego, California, and  
 12 I've lived in Boca Raton, Florida. To the best of  
 13 my knowledge, I don't think I've lived anywhere  
 14 else. Well, no, I take that back. When I went to  
 15 college, is that called living somewhere? Then Eau  
 16 Claire, Wisconsin.  
 17 **Q. How long did you live in San Diego?**  
 18 A. To the best of my recollection, 1983 to  
 19 '85.  
 20 **Q. Did you move there for a job?**  
 21 A. I was attending graduate school.  
 22 **Q. And when did you live in Boca Raton?**  
 23 A. 19 -- to the best of my recollection,  
 24 1980 -- somewhere in 1986 through, I don't know  
 25 what year exactly, 1990, 1991.

Page 8

1 **Q. Why did you move to Boca Raton?**  
 2 A. For a job.  
 3 **Q. Can you tell me about your educational**  
 4 **background?**  
 5 A. What would you like to know? My degrees,  
 6 where I went to school?  
 7 **Q. Post-high school.**  
 8 A. Post-high school. University of  
 9 Wisconsin-Madison, I have a bachelor's degree.  
 10 University of San Diego, I have a master's of  
 11 business administration.  
 12 **Q. Any other degrees or certifications that**  
 13 **you hold?**  
 14 A. No.  
 15 **Q. Do you have any legal training?**  
 16 A. My husband is an attorney, and over the  
 17 years, I've done things or looked at things or  
 18 reviewed things. So in that capacity, in a way,  
 19 yes. But no formal school, no.  
 20 **Q. When you say "review things," is that in**  
 21 **an official capacity, or just kind of things that**  
 22 **were around the house you looked at here and there?**  
 23 A. Just looking at things.  
 24 **Q. Are you currently employed?**  
 25 A. I am not.

Page 9

1 **Q. When did you hold your last job?**  
 2 A. Oh, gosh. To the best of my  
 3 recollection, I was a substitute teacher at my  
 4 daughter's school. And that year, I'm not going to  
 5 say, because I don't want to perjure myself. But  
 6 for a period of five years. And I don't know  
 7 exactly when that ended. I'm not going to say,  
 8 'cause I don't remember.

9 **Q. Okay. You mentioned that you moved to**  
 10 **Boca Raton for a job. Was that your job?**  
 11 A. Yes.

12 **Q. Can you tell me what that job was?**  
 13 A. It was with Southeast Bank. It was a  
 14 management training program.

15 **Q. And how long were you in that program, or**  
 16 **job?**  
 17 A. Again, to the best of my recollection, a  
 18 year-and-a-half.

19 **Q. Can you tell me about your job history**  
 20 **from when you left that management training**  
 21 **program, last job, until today? Just --**  
 22 A. You know, I really -- I don't have enough  
 23 information, and I don't want to perjure myself,  
 24 and I can't remember. You're making me go back too  
 25 far. So I'm going to say I do not have enough

Page 10

1 information to answer that question.

2 **Q. Have you ever been employed by a law**  
 3 **firm?**  
 4 A. No.

5 **Q. Who do you live with?**  
 6 A. My two children, my dog, and my husband.  
 7 Two of my three children.

8 **Q. Where does your third child live?**  
 9 A. Santa Monica, California.

10 **Q. How old is that child?**  
 11 A. 26. Relevancy to objection?

12 **Q. I'm just trying to get a little bit of**  
 13 **background information. Can you tell me how old**  
 14 **your other two children are?**  
 15 A. Yes. 13, they're twins.

16 **Q. I have a 13-year-old too.**  
 17 A. Oh, do you? The dog's three.

18 **Q. How many -- what kind of dog do you have?**  
 19 A. A maltipoo.

20 **Q. Oh, cute. They're fun dogs. So you said**  
 21 **that you were a substitute teacher at your**  
 22 **daughter's school; is that right?**  
 23 A. Yes. My oldest.

24 **Q. That was, oh, your eldest or your --**  
 25 A. My oldest.

Page 11

1 **Q. Okay. So that would have been sometime**  
 2 **in the last 25 years you served as a substitute**  
 3 **teacher?**  
 4 A. Yeah. I mean I -- it was sometime in the  
 5 1990s. It was for four or five years. And I can't  
 6 say exactly. And I can't say exactly when it  
 7 ended, 'cause I do not want to perjure myself. So  
 8 I'm going to say I don't have enough information to  
 9 answer that. But it was for four to five years.

10 **Q. Okay.**  
 11 A. And I taught grades K through 8.

12 **Q. Did you hold any other jobs at the time**  
 13 **you were doing the substitute teaching?**  
 14 A. Well, I was a mother, so --

15 **Q. I understand that.**  
 16 A. Yes. Any paychecks? No.

17 **Q. Okay. Do you currently earn any income?**  
 18 A. No.

19 **Q. Who earns the income for your household?**  
 20 A. Patrick.

21 **Q. Is he currently employed?**  
 22 A. Self, yes.

23 **Q. He owns his own business?**  
 24 A. Yes.

25 **Q. Does he have any employees?**

Page 12

1 A. Sometimes. Now, can I invoke the -- I  
 2 would like to invoke the spousal -- the  
 3 wife/husband privilege that I can't answer  
 4 questions about him. Isn't there -- can't I invoke  
 5 something where I don't have to answer questions  
 6 about him? The spousal privilege? I don't know  
 7 exactly the name of it. But he's not rel -- well,  
 8 the spousal -- there's a protection that a person  
 9 has that they don't have to say anything about  
 10 their spouse. And I don't know the exact word for  
 11 that, but I'd like to invoke that.

12 **Q. Okay. And I -- it's my understanding**  
 13 **that -- first of all, I am not your attorney, so I**  
 14 **cannot advise you on what you can and cannot**  
 15 **answer. You have the right to consult an attorney**  
 16 **if you would like to do that. I will tell you that**  
 17 **I'm going to mark the order that the Court issued**  
 18 **that does include information telling us that**  
 19 **you're required to comply with the subpoena in all**  
 20 **respects.**

21 **Some of the information that**  
 22 **we've requested in our subpoena does relate to your**  
 23 **husband as well. And so by the terms of the**  
 24 **subpoena, it's my understanding that you're**  
 25 **required to answer those questions. Is that your**

Page 13

1 understanding?  
 2 A. No. I mean, I don't know, to be honest.  
 3 I'll go ahead and answer those. But as far as,  
 4 like, does he have employees, I would like to  
 5 invoke that.  
 6 **Q. Okay. And I do not believe that that is**  
 7 **a proper invocation, that you can claim spousal**  
 8 **privilege for whether or not your husband has**  
 9 **employees at his law firm. We'll come back to**  
 10 **that. But let's --**  
 11 A. Okay, you know what? You know what, go  
 12 ahead. But I'll just have to write something to  
 13 the court later if that's a problem. Just go  
 14 ahead.  
 15 **Q. Yeah. And, I mean, if you feel like**  
 16 **there's something that you don't need to answer by**  
 17 **the terms of the subpoena, you obviously have the**  
 18 **right to contact the court and can ask them for**  
 19 **clarification on their order if that's something**  
 20 **that you want to do. We do have the information**  
 21 **for the magistrate judge. You know, you are here**  
 22 **pro se. I cannot advise you on the terms of**  
 23 **anything, but I can tell you that.**  
 24 A. All right, all right. Just go.  
 25 MS. BOYLE: Anita, could you mark

Page 14

1 Exhibit 1, please?  
 2 (Exhibit 1 marked for identification.)  
 3 BY MS. BOYLE:  
 4 **Q. Tell --**  
 5 A. You have to bear with me, because I  
 6 couldn't find my reading glasses, so I have this  
 7 pair that doesn't have one side on it, so -- kind  
 8 of have to do this.  
 9 **Q. That's fine.**  
 10 A. Yes, yes.  
 11 **Q. You've seen this document before?**  
 12 A. Yes.  
 13 **Q. Do you know what it is?**  
 14 A. It's a subpoena.  
 15 **Q. We're not in the same room, so I can't**  
 16 **flip you to the page, but if you flip in, I'll**  
 17 **direct you to page 5. Has the number five on the**  
 18 **bottom, not the fifth page of the document.**  
 19 A. All right.  
 20 **Q. The document says Request For Document**  
 21 **Production.**  
 22 A. Right.  
 23 **Q. Did you bring any documents with you**  
 24 **today?**  
 25 A. I did not.

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1 **Q. Why did you not bring any documents with**  
 2 **you today?**  
 3 A. I don't have anything.  
 4 **Q. Did you read through this list of**  
 5 **document requests?**  
 6 A. I did.  
 7 **Q. Have you retained an attorney --**  
 8 A. Pardon me?  
 9 **Q. Sorry about that. I'll finish the**  
 10 **question. I don't want to make the record unclear.**  
 11 **Have you retained any attorney with respect to your**  
 12 **objection in this case?**  
 13 A. Not with my objection. Patrick helped me  
 14 write the quashing motion. But not with the  
 15 objection, no.  
 16 **Q. Did you consult with anyone in preparing**  
 17 **for your objection?**  
 18 A. No.  
 19 **Q. Did you do any legal research to prepare**  
 20 **your objection?**  
 21 A. Clarify.  
 22 **Q. Did you do any research to prepare your**  
 23 **objection?**  
 24 A. Please clarify -- clarify that.  
 25 **Q. I guess I'm not sure what the**

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1 **clarification is. Are you not understanding what I**  
 2 **mean by "research"?**  
 3 A. In what capacity?  
 4 **Q. In any capacity. I mean --**  
 5 A. I researched -- I read the document. I  
 6 read the documents.  
 7 **Q. The documents that were filed in this**  
 8 **case?**  
 9 A. Yes.  
 10 **Q. Did you read any documents that have been**  
 11 **filed in any other case in preparing your**  
 12 **objections for this case?**  
 13 A. No.  
 14 **Q. Did you read any legal books or**  
 15 **anything -- any other legal journals in preparing**  
 16 **your objection for this case?**  
 17 A. No.  
 18 **Q. Did you do any online searching to**  
 19 **prepare your objection for this case?**  
 20 A. Clarify.  
 21 **Q. Did you use your computer to prepare the**  
 22 **objection for this case?**  
 23 A. Did I use my computer to prepare it? No.  
 24 Did I research on my computer and read on my  
 25 computer, yes.

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1 **Q. What did you read on your computer to**  
 2 **prepare your objection?**  
 3 A. I read the information that you gave.  
 4 **Q. Anything else?**  
 5 A. And then I think I pulled up the company.  
 6 That's about it.  
 7 **Q. Website?**  
 8 A. Pardon me?  
 9 **Q. Do you mean Snyder's-Lance website?**  
 10 A. Yes, I just pulled up the company.  
 11 **Q. Do you have access to Westlaw?**  
 12 A. I don't even know what that is.  
 13 **Q. Do you know what LexisNexis is?**  
 14 A. Nope.  
 15 **Q. Have you ever used Google Scholar?**  
 16 A. No.  
 17 **Q. Did you do any Google searches to prepare**  
 18 **your objection for this case?**  
 19 A. Is that a different question than you  
 20 just asked me?  
 21 **Q. Yes. Did you do any Google searches to**  
 22 **prepare your objection for this case?**  
 23 A. I'm not really sure what you're asking,  
 24 so I can't answer that.  
 25 **Q. Did you type anything in Google when you**

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1 **were preparing your objection for this case?**  
 2 A. No.  
 3 **Q. Did you type anything in any other online**  
 4 **search engines to prepare your objection for this**  
 5 **case?**  
 6 A. I'm not clear with what you're asking, so  
 7 I'm not going to answer that.  
 8 **Q. When you go on your computer, what online**  
 9 **search engine do you typically use?**  
 10 A. I go to the Internet and look at things.  
 11 **Q. Did you type anything in on the Internet**  
 12 **to prepare your objection for this case other than**  
 13 **looking at the settlement website with the**  
 14 **documents you talked about or what you had**  
 15 **testified about there, or Snyder's-Lance website?**  
 16 A. Did I type anything, no. I don't even  
 17 have a computer.  
 18 **Q. What computer did you use to look at**  
 19 **information online that you testified about a**  
 20 **minute ago?**  
 21 A. A computer at the library, and my  
 22 daughter's computer.  
 23 **Q. What's your daughter's name?**  
 24 A. Relevancy to the objection.  
 25 **Q. Ms. Sweeney, I'm sorry, but -- I mean,**

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1 **you can object, but this is a deposition. I'm**  
 2 **entitled to ask you questions here today.**  
 3 A. Well, you gave me instructions not to  
 4 answer if I didn't understand the question  
 5 specifically. So first of all, I'm not answering  
 6 in that capacity. And second of all, I'm entitled  
 7 to ask for a clarification for the relevancy to the  
 8 objection.  
 9 **Q. I asked you what your daughter's name was**  
 10 **because you testified you used your daughter's**  
 11 **computer in preparing your objection for this case.**  
 12 A. Okay. Her name is Erin.  
 13 **Q. Other than using her computer, did Erin**  
 14 **help you prepare your objection at all?**  
 15 A. No.  
 16 **Q. In your objection, you listed a couple of**  
 17 **cases that you've objected to in the past; is that**  
 18 **right?**  
 19 A. Yes. It was required by your notice.  
 20 **Q. And then on page 5 of the document**  
 21 **request we asked for copies of any objections and**  
 22 **any documents filed or served by you or against you**  
 23 **in connection with those objections.**  
 24 A. I don't have any documents. If you want  
 25 to go -- I gave you the list of the ones. If you

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1 want to pull them up on PACER, they're probably  
 2 there.  
 3 **Q. You have access to PACER?**  
 4 A. I do.  
 5 **Q. How do you have access to PACER?**  
 6 A. Signed up for it.  
 7 **Q. How do you sign up for it?**  
 8 A. You log in and you sign up.  
 9 **Q. How do you pay for your PACER account?**  
 10 A. With a debit card.  
 11 **Q. From your personal bank account?**  
 12 A. Pardon me?  
 13 **Q. You pay it right out of your personal**  
 14 **bank account?**  
 15 A. Out of my daughter's personal bank  
 16 account.  
 17 **Q. Which daughter?**  
 18 A. Kerry.  
 19 **Q. And is Kerry one of the twins or the**  
 20 **26-year-old?**  
 21 A. The 26-year-old.  
 22 **Q. You go onto PACER and retrieve any of the**  
 23 **records of documents you reviewed related to this**  
 24 **case or any of your other objections?**  
 25 A. Can you repeat that?

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1 **Q. When you received our subpoena, did you**  
2 **go onto your PACER account and retrieve any records**  
3 **of the documents you viewed related to this case or**  
4 **any of your other objections?**  
5 A. No.  
6 **Q. And why did you not do that?**  
7 A. First of all, I don't have any documents  
8 stored anywhere. Second of all, I didn't even have  
9 time. The only thing I could have gone into is  
10 PACER and run to the library and print it out.  
11 Look, I'm a housewife at home; I don't have a  
12 printer, I would have to go to a library. I'm not  
13 a corporation. You sent incredible amounts of  
14 crazy things, a format even, so on -- and so, I  
15 mean, it's kind of a harassment.  
16 **Q. It's my understanding the court has**  
17 **already ruled that you have to be in compliance**  
18 **with the subpoena. So what I'm asking you is what**  
19 **efforts you made to comply with the request in the**  
20 **subpoena.**  
21 A. I don't have any documents. I'm here.  
22 **Q. I understand that. But did you search**  
23 **for any documents?**  
24 A. I did not.  
25 **Q. I just want to ask you about one more of**

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1 **the requests. If you turn to page 6. Request**  
2 **number ten asks for all documents related to drafts**  
3 **of your objection in the above-captioned matter.**  
4 **Did you prepare any drafts other than the one that**  
5 **you filed --**  
6 A. No.  
7 **Q. -- for your objection?**  
8 A. No. I write on paper and I write down my  
9 ideas and I throw those papers away. So the answer  
10 is --  
11 **Q. Do you then type up your notes?**  
12 A. I do at the library.  
13 **Q. Did you physically type them yourself?**  
14 A. Pardon me?  
15 **Q. Did you physically type up the objection**  
16 **yourself?**  
17 A. Yes.  
18 **Q. I note that you filed a motion to stay**  
19 **discovery to quash a Rule 45 subpoena in the**  
20 **Western District of Wisconsin. And I think you**  
21 **testified earlier that your husband helped you with**  
22 **that?**  
23 A. Yes.  
24 **Q. Did you retain him to help you draft**  
25 **that?**

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1 A. No, I just asked him to help me.  
2 **Q. What role did you have in preparing that**  
3 **motion?**  
4 A. Clarify.  
5 **Q. What did you do to prepare that motion?**  
6 A. Not a lot. He helped me do it because I  
7 didn't know how to quash a subpoena. So we  
8 discussed it and he basically did it.  
9 **Q. If you don't think that you have any**  
10 **documents that are responsive to our subpoena, why**  
11 **did you object to providing documents?**  
12 A. I don't know that I did.  
13 **Q. But you weren't objecting to the request**  
14 **for documents that was in our subpoena?**  
15 A. I can't comment on that. I have no -- I  
16 don't have the knowledge to comment on that.  
17 **Q. You don't have the knowledge to comment**  
18 **on what was in your motion to quash?**  
19 A. Correct.  
20 **Q. Did you review the motion to quash before**  
21 **it was filed?**  
22 A. I read it. It's long.  
23 **Q. Did you understand what it said?**  
24 A. I can't answer that.  
25 **Q. Why can you not answer that question?**

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1 A. 'Cause I can't answer it.  
2 **Q. Do you understand what was in the**  
3 **document that you filed with the court in the**  
4 **Western District of Wisconsin?**  
5 A. I don't have it with me. Do I understand  
6 it? Yes. It was that -- yes. I mean -- I  
7 don't -- do I know it verbatim? No.  
8 **Q. Why did you choose to file a motion to**  
9 **quash with the Western District of Wisconsin?**  
10 A. Because I feel that these subpoenas are  
11 harassment and they really have no relevancy to the  
12 case. The case is already closed. And I think  
13 it's kind of an abuse to the person who's entitled  
14 to object.  
15 **Q. Are you aware whether the preliminary**  
16 **approval order in this case allowed counsel to take**  
17 **the deposition of any objectors?**  
18 A. State that again.  
19 **Q. Are you aware whether the preliminary**  
20 **approval order in the Snyder's-Lance case allowed**  
21 **counsel to take the deposition of any objectors?**  
22 A. Not until it was sent through the e-mail  
23 by somebody this week citing some paragraph. But  
24 in that -- in that same vein, it was very specific  
25 to the court that it had to stay on what the

Page 25

1 objector objected about.  
 2 **Q. Are you referring to the order from the**  
 3 **Western District of Wisconsin?**  
 4 A. I'm referring to the paragraph that was  
 5 sent as an e-mail that was in an order.  
 6 **Q. I didn't give a copy to the court**  
 7 **reporter, but I can send it if you don't recall**  
 8 **what's in your motion to quash. But it's my**  
 9 **understanding that one of the reasons you objected**  
 10 **to the subpoena was that it required disclosure of**  
 11 **privileged or other protected matters. Is that**  
 12 **your understanding?**  
 13 A. Again, my husband helped me do it, so  
 14 again, I'm not going to answer that.  
 15 **Q. Do you know what "relevance" means?**  
 16 A. Yes.  
 17 **Q. What does relevance mean?**  
 18 A. Is it relevant to the situation. If I  
 19 asked you, let's see, what you eat at night, it's  
 20 not relevant to your job.  
 21 MS. BOYLE: Anita, can you pull out  
 22 Exhibit No. 2?  
 23 (Exhibit 2 marked for identification.)  
 24 BY MS. BOYLE:  
 25 **Q. The court reporter just handed you what's**

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1 **now marked as Exhibit 2. And this was an order we**  
 2 **received from the Western District of Wisconsin**  
 3 **denying your motion to quash. Have you seen this**  
 4 **document before?**  
 5 A. I did; I got an e-mail. But I didn't  
 6 really read it.  
 7 **Q. Do you want to take the opportunity to**  
 8 **read it now?**  
 9 A. Yes.  
 10 **Q. Okay.**  
 11 (Pause in the proceedings.)  
 12 BY MS. BOYLE:  
 13 **Q. Did you have the opportunity to read**  
 14 **that?**  
 15 A. I'm still reading it.  
 16 **Q. Okay.**  
 17 A. Okay, read it.  
 18 **Q. Looking on the first page, the third line**  
 19 **from the bottom, it says, "The order specifically**  
 20 **permits the attorneys to take Ms. Sweeney's**  
 21 **deposition in the manner they have set forth in**  
 22 **their subpoena to Ms. Sweeney." Did I read that**  
 23 **correctly?**  
 24 A. Yes.  
 25 **Q. So you understand that the Western**

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1 **District of Wisconsin has said that the subpoena**  
 2 **allows us to take your deposition; right?**  
 3 A. Correct.  
 4 **Q. And then flipping to the next page, point**  
 5 **number two says, "Pamela Sweeney must comply with**  
 6 **Rule 45 subpoena in all respects"; is that right?**  
 7 A. Correct.  
 8 **Q. So do you agree that the Western District**  
 9 **of Wisconsin has required you to, by this order, to**  
 10 **comply with subpoena and all requests?**  
 11 A. Yes.  
 12 **Q. Failure to do so could result in**  
 13 **sanctions from the Florida court and possible**  
 14 **contempt in the Western District of Wisconsin; is**  
 15 **that right?**  
 16 A. Yes.  
 17 **Q. So do you understand now that you are**  
 18 **bound by the terms of the subpoena that we've**  
 19 **issued to you, and you're required to answer my**  
 20 **questions that relate to the issues that we've**  
 21 **identified in the subpoena; correct?**  
 22 A. Yes.  
 23 **Q. Okay. What did you do to prepare for**  
 24 **your deposition today?**  
 25 A. Nothing.

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1 **Q. Did you review any documents?**  
 2 A. No. I didn't have time.  
 3 **Q. Did you talk with anyone in preparation**  
 4 **for your deposition?**  
 5 A. I did not.  
 6 **Q. Didn't talk with your husband in**  
 7 **preparation for your deposition?**  
 8 A. Well, he drove me down here, but we  
 9 didn't talk about it. Just what time that he had  
 10 to pick me up here. We did not discuss it at all.  
 11 **Q. I can't see the whole room, but your**  
 12 **husband is not in attendance today, is he?**  
 13 A. He is not.  
 14 **Q. Have you ever filed any lawsuits before?**  
 15 A. Yes.  
 16 **Q. How many lawsuits have you filed?**  
 17 A. One.  
 18 **Q. And when did you file it?**  
 19 A. To the best of my recollection, in 1980.  
 20 **Q. Have you filed any other lawsuits that**  
 21 **you recall?**  
 22 A. No.  
 23 **Q. Have you ever filed a lawsuit in the**  
 24 **United States District Court for the District of**  
 25 **Hawaii?**

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1 A. Oh, that's new. Yeah, I guess that --  
 2 yes. That one. Yes.  
 3 **Q. And what was --**  
 4 A. I forgot about --  
 5 **Q. -- that lawsuit?**  
 6 A. That lawsuit is a slip and fall.  
 7 **Q. Did you slip and fall?**  
 8 A. I forgot about that. Yeah, that -- I  
 9 did.  
 10 **Q. And in fact you filed that lawsuit within**  
 11 **the last two months?**  
 12 A. Yes, I believe so.  
 13 **Q. Are there any other lawsuits that you**  
 14 **recall now?**  
 15 A. No.  
 16 **Q. Have you ever hired an attorney before?**  
 17 A. In my lifetime?  
 18 **Q. Yes.**  
 19 A. Yes.  
 20 **Q. How many times have you hired an**  
 21 **attorney?**  
 22 A. Once.  
 23 **Q. What did you hire an attorney for?**  
 24 A. For that lawsuit in 1980, orabouts.  
 25 **Q. What was the lawsuit in 1980?**

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1 A. It was a car accident.  
 2 **Q. Did you settle that case, or did it go to**  
 3 **trial?**  
 4 A. It was settled. I actually should say,  
 5 my dad hired them, I didn't. So that -- I mean, in  
 6 the broad spectrum.  
 7 **Q. Do you know if that attorney was paid a**  
 8 **portion of the settlement you received as part of**  
 9 **that lawsuit?**  
 10 A. He was.  
 11 **Q. Do you know what that percentage was?**  
 12 A. Uh-huh. 33.3 percent.  
 13 **Q. Do you believe that was fair? Did you**  
 14 **think that was a fair payment?**  
 15 A. Yes.  
 16 **Q. Do you know what an appeal is?**  
 17 A. Yes.  
 18 **Q. What's an appeal?**  
 19 A. When you don't like the decision of the  
 20 court.  
 21 **Q. Have you ever been involved with an**  
 22 **appeal?**  
 23 A. Yes.  
 24 **Q. How many times?**  
 25 A. I don't recall.

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1 **Q. More than once?**  
 2 A. I don't recall. Once, anyway. But I  
 3 don't recall beyond that.  
 4 **Q. Do you know what case that appeal was**  
 5 **related to?**  
 6 A. I'm not at liberty to discuss it.  
 7 **Q. Is that by virtue of a confidentiality**  
 8 **order of some sort that you signed?**  
 9 A. Correct.  
 10 **Q. Do you monitor any class action websites?**  
 11 A. Do I monitor them? No.  
 12 **Q. Do you review any class action websites?**  
 13 A. I've looked at them.  
 14 **Q. How often have you looked at class action**  
 15 **websites?**  
 16 A. I can't honestly say. I'm very busy, so  
 17 I don't -- every now and again.  
 18 **Q. How many times have you looked at a class**  
 19 **action website in the last week?**  
 20 A. Zero.  
 21 **Q. What class action websites have you**  
 22 **looked at?**  
 23 A. Just whatever the top class action  
 24 lawsuits.  
 25 **Q. Any others?**

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1 A. That's pretty much it.  
 2 **Q. Why do you look at those websites?**  
 3 A. Because I'm interested in the class  
 4 actions.  
 5 **Q. Why are you interested in them?**  
 6 A. Because it -- I think there's an amazing  
 7 amount of them, and I think it's kind of  
 8 perplexing; and two, because there are many times I  
 9 could be a member of the class. And I think that's  
 10 what the -- the intent is of a class action  
 11 lawsuit.  
 12 **Q. What do you believe the intent is of a**  
 13 **class action lawsuit?**  
 14 A. I don't know what the intent of a class  
 15 action lawsuit -- that's too broad. That's too  
 16 broad of a --  
 17 **Q. I was just trying to clarify your**  
 18 **testimony, 'cause you testified that you believed**  
 19 **that was the intent of the class action lawsuit.**  
 20 **And I didn't understand --**  
 21 A. What I meant was the intent that you  
 22 notify class members. You know how you get a  
 23 postcard or how you -- like that. So your intent  
 24 is to notify as many class members, or should be  
 25 your intent, as you can, given the case.

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1 **Q. Are there any settlements, class action**  
2 **settlements, that you've taken part in and have not**  
3 **objected to?**  
4 A. Yes.  
5 **Q. And which settlements were those?**  
6 A. I don't recall.  
7 **Q. How many were there?**  
8 A. I don't recall.  
9 **Q. Do you know when the last time you**  
10 **participated in a class action settlement but did**  
11 **not object?**  
12 A. I don't recall.  
13 **Q. Do you recall ever filing an exclusion to**  
14 **a class action lawsuit?**  
15 A. I never have. To the best of my  
16 knowledge.  
17 **Q. Have you ever thought about filing an**  
18 **exclusion to a class action lawsuit?**  
19 A. No.  
20 **Q. Do you know what that is?**  
21 A. Where you exclude yourself and that you  
22 can still go back and sue the company. Is that  
23 correct?  
24 **Q. Are there any settlements -- class action**  
25 **settlements that you're aware of that you are a**

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1 **class member but did not claim and did not object?**  
2 A. Oh, I am sure, yes.  
3 **Q. Which are those?**  
4 A. Oh, I don't know, but I'm sure I've been  
5 a class member in many things that I've never --  
6 why don't you clarify where you're going. I don't  
7 know where you're going.  
8 **Q. I'm sorry about that. What I'm trying to**  
9 **get at is if you're aware of any class action**  
10 **settlements, any specific ones that come to mind,**  
11 **that you were a class member but did not object to.**  
12 A. That come to mind. Not offhand, that I  
13 recall.  
14 **Q. Do you recall that at some point there**  
15 **was a class action settlement that you participated**  
16 **in and did not object to; right?**  
17 A. Right. Where I filed a claim, right.  
18 **Q. Do you recall anything about the terms in**  
19 **that class action settlement?**  
20 A. No.  
21 **Q. Is there any records that you would have**  
22 **that you could review to determine which class**  
23 **action settlement that you took part in but did not**  
24 **object to?**  
25 A. No.

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1 **Q. Do you understand that we're here today**  
2 **because you objected to a settlement in the Barron**  
3 **versus Snyder's-Lance case which has been filed in**  
4 **the Southern District of Florida?**  
5 A. Yes.  
6 **Q. How did you learn about that class action**  
7 **settlement?**  
8 A. Just on the Internet.  
9 **Q. Is that something you found while you**  
10 **were looking on the top class actions website?**  
11 A. Yes.  
12 **Q. Have you visited the claims website?**  
13 A. For that, yes.  
14 **Q. Did you review the whole site?**  
15 A. I believe I did.  
16 **Q. Did you read the settlement agreement?**  
17 A. Yes.  
18 **Q. Did you understand the settlement**  
19 **agreement?**  
20 A. I believe I did.  
21 **Q. Do you recall what the terms of the**  
22 **settlement are?**  
23 A. The terms of the settlement, yeah, that  
24 you -- the attorneys' fees would be \$890,000, that  
25 the incentive award was -- is this where you want

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1 me to go with this, as far as the terms?  
2 **Q. I just want to know what you recall about**  
3 **the terms of the --**  
4 A. Okay. The plaintiffs, whatever their  
5 fees are, it's forty-two-five, you allocated  
6 350,000 for costs and expenses, and you're going to  
7 give pretzels and chips and things to Feeding  
8 America at the end if there's anything left over.  
9 But not money, product.  
10 **Q. Do you know how many plaintiffs there**  
11 **were in this case?**  
12 A. I do not. But I could probably guess if  
13 it's forty-two-five. I don't know.  
14 **Q. How would you be able to guess based on**  
15 **that number?**  
16 A. I'm just assuming what you would give to  
17 a plaintiff. I don't know.  
18 **Q. What's your basis for having an**  
19 **understanding as to what --**  
20 A. Just because I've read different ones.  
21 **Q. I'm just going to ask you to wait until I**  
22 **finish my question, because the court reporter**  
23 **won't get the whole question out.**  
24 A. You're kind of coming in and out on this,  
25 though, to be honest. Can you hear that? So --

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1 **Q. Can you hear me okay now?**  
 2 A. Yeah, a little better.  
 3 **Q. Okay. Sorry about that. How do you have**  
 4 **an understanding as to what a named plaintiff might**  
 5 **receive in a class action settlement?**  
 6 A. Because I've read class action  
 7 settlements.  
 8 **Q. How many different class action**  
 9 **settlements have you read?**  
 10 A. I don't recall, but at least 10, 20.  
 11 **Q. Is that your best guess, or you just know**  
 12 **it's more than that number?**  
 13 A. That's my best guess. I mean, they're  
 14 pretty --  
 15 **Q. Do you know if that -- go ahead.**  
 16 A. No, go ahead.  
 17 **Q. Okay. Do you know whether the**  
 18 **defendants, Snyder's-Lance in this case, is**  
 19 **required to pay any money to class members as part**  
 20 **of the settlement?**  
 21 A. Well, yes.  
 22 **Q. Do you know how much they're required to**  
 23 **pay?**  
 24 A. Well, you had the figure of 2.7 million,  
 25 maybe two -- almost two eight. Two seven

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1 something, it was. And the class, by the time you  
 2 pull out attorneys' fees, costs, and the plaintiff  
 3 fees, leave about 1.5 for the class. So about 1.5.  
 4 **Q. That's your understanding. And do you**  
 5 **know how much each individual plaintiff could**  
 6 **receive, each individual class member could**  
 7 **receive?**  
 8 A. It depends how -- you mean on the  
 9 parameters that you put in there? Like if you put  
 10 in one product, you get a dollar, like that? Is  
 11 that what you're asking?  
 12 **Q. Do you know what those terms are?**  
 13 A. I do know what those terms are. If you  
 14 don't --  
 15 **Q. What are they?**  
 16 A. -- have proof of purchase, you can get up  
 17 to \$10. I believe it's a dollar per product. And  
 18 then if you have over ten, you have to have proof  
 19 of purchase, and I think it's up to 20. Is that  
 20 correct?  
 21 **Q. I get to ask the questions today, so I**  
 22 **actually am not here to answer your questions,**  
 23 **so --**  
 24 A. All right.  
 25 **Q. Sorry.**

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1 A. That's okay.  
 2 **Q. Do you know if the settlement requires**  
 3 **anything else?**  
 4 A. I believe they have to change their  
 5 labeling within a year.  
 6 **Q. Do you know if the defendant has to make**  
 7 **any changes to its products?**  
 8 A. I believe not. I believe they just have  
 9 to change their labeling.  
 10 **Q. And do you know what the change in label**  
 11 **is required?**  
 12 A. The all natural.  
 13 **Q. What do you mean by that?**  
 14 A. That they -- you guys sued them on the  
 15 premise that you felt it was false and deceptive  
 16 advertising by putting "all natural," and in fact  
 17 there was genetically-modified ingredients in it.  
 18 That's what I mean.  
 19 **Q. So do you know what they have to do**  
 20 **specifically to the labels?**  
 21 A. I do not.  
 22 **Q. What do you know about the parties in the**  
 23 **case?**  
 24 A. Clarify.  
 25 **Q. Do you know anything about the parties in**

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1 **the case?**  
 2 A. You mean -- no. I don't know. I  
 3 can't -- I don't have enough information to answer  
 4 that.  
 5 **Q. What did you review on Snyder's-Lance**  
 6 **website when you visited it?**  
 7 A. Just of their different products, and  
 8 that was about it.  
 9 **Q. Did anything on the Snyder's-Lance**  
 10 **website impact your decision to object in this**  
 11 **case?**  
 12 A. No.  
 13 **Q. Do you know where this case was filed?**  
 14 A. In Florida.  
 15 **Q. Do you know whether there was one case**  
 16 **filed, or multiple cases filed?**  
 17 A. There were multiple filed.  
 18 **Q. Do you know where the other cases were**  
 19 **filed?**  
 20 A. I don't recall. I believe New York was  
 21 one, and I don't recall the other.  
 22 **Q. You testified about the claims that you**  
 23 **believe are part of this lawsuit. Do you know**  
 24 **which ingredients were at issue?**  
 25 A. Of the all natural? The claim you made

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1 of the -- I do, but I don't know them off the top  
 2 of my head. There's a bunch of them.  
 3 **Q. A bunch of ingredients that are claimed**  
 4 **to contain GMOs?**  
 5 A. There are a number of ingredients that  
 6 were listed. Do I have that in front of me? No.  
 7 Do I know it off the top of my head? No.  
 8 **Q. But you have an understanding as to what**  
 9 **the claims are?**  
 10 A. Yes.  
 11 **Q. Do you know what products are involved in**  
 12 **this case?**  
 13 A. I know the products I purchase, which are  
 14 the pretzels and the Cape Cod potato chips. There  
 15 were probably five or six others.  
 16 **Q. Which pretzels did you buy?**  
 17 A. The Snyder Hanover pretzels. And  
 18 actually, I just bought some yesterday. I  
 19 typically buy those, along with Cape Cod potato  
 20 chips, 'cause my kids seem to really like those  
 21 more than Lays potato chips, or Ruffles.  
 22 **Q. Why do you buy the Snyder's Hanover**  
 23 **pretzels?**  
 24 A. Because they're there, the marketing,  
 25 they're right at my eye level. Seems to be when I

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1 walk by, they're strategically placed.  
 2 **Q. Where do you buy them?**  
 3 A. I shop at Copps and I shop at Metcalfe's  
 4 in Madison, Wisconsin.  
 5 **Q. Which Copps location?**  
 6 A. The Copps on Fish Hatchery, the Copps on  
 7 McKee Road. Those two.  
 8 **Q. Is there more than one Metcalfe's**  
 9 **location in Madison?**  
 10 A. Yes.  
 11 **Q. Which locations do you shop at?**  
 12 A. The ones I just stated.  
 13 **Q. I thought you were just referring to**  
 14 **Copps.**  
 15 A. No, those are the ones I shop at, Copps  
 16 on Fish Hatchery and Copps on McKee Road.  
 17 **Q. And then you shop at Metcalfe's as well?**  
 18 A. I do.  
 19 **Q. Is there just one location of Metcalfe's,**  
 20 **or is there more than one?**  
 21 A. There are two.  
 22 **Q. Do you shop at both of them?**  
 23 A. I have, yes.  
 24 **Q. Do you know if you bought either the**  
 25 **Snyder's of Hanover pretzels or the Cape Cod chips**

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1 **at all four of those stores?**  
 2 A. I've bought them at both of the Copps. A  
 3 hundred percent I can say that. At Metcalfe's, I  
 4 believe I have, but I can't say for sure. But I've  
 5 purchased them often.  
 6 **Q. Which pretzels do you buy?**  
 7 A. The Hanover pretzels.  
 8 **Q. Are they a pretzel stick or a twist or a**  
 9 **tiny stick?**  
 10 A. A stick.  
 11 **Q. The large ones or the small ones?**  
 12 A. I've purchased both. Yesterday I  
 13 purchased a family size.  
 14 **Q. Of the little ones that are about two**  
 15 **inches long, or the pretzel rod?**  
 16 A. Oh, I don't know. They're about what a  
 17 normal pretzel looks like.  
 18 **Q. We're not videotaping this, but I saw**  
 19 **your hand about two or three inches?**  
 20 A. Okay, whatever a normal pretzel is.  
 21 **Q. Okay.**  
 22 A. Or what we -- or what most people eat as  
 23 a normal pretzel.  
 24 **Q. Okay. Do you know how much you paid for**  
 25 **those Snyder's Hanover pretzels?**

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1 A. They vary depending on the grocery store,  
 2 if it's Copps or Metcalfe's, I believe. But I  
 3 think yesterday, 'cause I happened to look, going,  
 4 I wonder -- I think it was like 3.29 for the  
 5 pretzels. A lot of times they're trying to get rid  
 6 of the Cape Cod potato chips, so they put two for  
 7 four.  
 8 **Q. Do you have any receipts from your**  
 9 **purchases --**  
 10 A. I don't.  
 11 **Q. -- of --**  
 12 A. I don't.  
 13 **Q. I'm going to ask the question again just**  
 14 **so I can get the whole question out.**  
 15 A. Sure.  
 16 **Q. Do you have any receipts from your**  
 17 **purchases of the Snyder's of Hanover pretzels or**  
 18 **the Cape Cod potato chips?**  
 19 A. I don't.  
 20 **Q. How do you pay for your groceries?**  
 21 A. Cash or debit card.  
 22 **Q. What bank do you use?**  
 23 A. It's off of my daughter's card, so it's  
 24 not mine.  
 25 **Q. What bank does your daughter bank at?**

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1 A. USAA Bank.  
 2 **Q. And is this the daughter, the 26-year-old**  
 3 **daughter that does not live with you?**  
 4 A. Correct.  
 5 **Q. Do you know what CAFA stands for?**  
 6 A. What what?  
 7 **Q. CAFA, C-A-F-A, do you know what that**  
 8 **stands for?**  
 9 A. C-A-F-A. No.  
 10 **Q. Do you know what the Class Action**  
 11 **Fairness Act is?**  
 12 A. Oh, yes, I do.  
 13 **Q. What is that?**  
 14 A. When they modified class actions, when  
 15 they changed them a bit. I know that they -- one  
 16 of the components of that, when I read it, was  
 17 about vouchers that they changed. There were  
 18 probably a lot of class action people using  
 19 vouchers instead of money. And there were other  
 20 components they changed.  
 21 **Q. Do you know what the Federal Rules of**  
 22 **Civil Procedure are?**  
 23 A. Could I state them? I would have to say  
 24 no.  
 25 **Q. You've heard of them before, though?**

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1 A. Yes.  
 2 **Q. Do you know what Rule 23 is?**  
 3 A. Could I state it? No. Have I heard of  
 4 it? Yes.  
 5 **Q. Do you know generally what Rule 23 refers**  
 6 **to?**  
 7 A. I'll have to say no. Maybe you could  
 8 state it. I don't have anything in front of me, so  
 9 if I did, I could.  
 10 **Q. You can actually give those documents**  
 11 **back to the court reporter. I can't see what**  
 12 **you're looking at, so let's just not look at**  
 13 **documents so that we both know we're on the same**  
 14 **page. Do you need to take a break?**  
 15 A. I'm good for now, but I probably will  
 16 shortly.  
 17 **Q. Okay. Just let me know.**  
 18 A. Okay.  
 19 **Q. I'm going to have the court reporter mark**  
 20 **and hand you Exhibit 3.**  
 21 **(Exhibit 3 marked for identification.)**  
 22 **BY MS. BOYLE:**  
 23 **Q. Ms. Sweeney, I want to talk to you a**  
 24 **little bit about your objections that you filed in**  
 25 **this case. Can you tell me if you have any**

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1 **personal objections to the settlement in this case?**  
 2 A. Yes. I think the attorney fees are too  
 3 high. I think that you should be -- one of the  
 4 problems I have is that class counsel takes their  
 5 money and goes, and that there's no oversight.  
 6 And, you know, you have a settlement administrator  
 7 administrating things, and you don't have really  
 8 anyone overseeing it for sure to see that the money  
 9 gets out, to make sure things are timely.  
 10 And then the thing about giving  
 11 products to Feeding America. When I first heard  
 12 that, I thought well, isn't that nice. But you --  
 13 it's really kind of a -- you're just giving them  
 14 product, not money, so -- and you don't like the  
 15 products to begin with. So I have a problem  
 16 with -- or I objected to that.  
 17 **Q. Any other reasons you objected?**  
 18 A. Let me go through it. I objected to -- I  
 19 mean, I don't have my objection in front of me  
 20 either, so I don't know if you remember everything  
 21 that you write. The money, that there is no  
 22 oversight to that, and then the -- that they would  
 23 just give the food instead of the money. And I  
 24 believe that's all that's in there. Although I  
 25 don't have it in front of me.

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1 **Q. Okay. I think you testified earlier, but**  
 2 **I just want to clarify. Did anyone assist you in**  
 3 **drafting your objection?**  
 4 A. No.  
 5 **Q. Did your husband review your objection**  
 6 **before you --**  
 7 A. No.  
 8 **Q. -- filed it?**  
 9 A. No. He just did that motion to quash.  
 10 That's it.  
 11 **Q. Did he have any input in your objection?**  
 12 A. No.  
 13 **Q. How did you get the caption that's on the**  
 14 **top of your objection? Did you hand type that out?**  
 15 A. Yeah. You just go into formatting and  
 16 just do it. And I've done it before, so --  
 17 **Q. When you drafted this objection, did you**  
 18 **open up a blank Word document and just type**  
 19 **everything in?**  
 20 A. Or I cut and paste.  
 21 **Q. Where did you cut and paste from?**  
 22 A. Old other documents.  
 23 **Q. What types of documents?**  
 24 A. The same kind that have headings.  
 25 **Q. What documents did you cut and paste from**

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1 **to prepare this objection?**  
 2 A. With -- I don't recall.  
 3 **Q. Where did you get the documents that you**  
 4 **cut and pasted from to prepare this objection?**  
 5 A. I would go into documents you did or  
 6 documents that other attorneys did.  
 7 **Q. In this case, you found documents that**  
 8 **the lawyers in this case filed and completed this**  
 9 **objection?**  
 10 A. Yes.  
 11 **Q. Were those in Word format or in a PDF**  
 12 **format?**  
 13 A. When -- I don't recall.  
 14 **Q. Did you use any objections that you**  
 15 **prepared in other cases, or anyone else has**  
 16 **prepared in other cases, to put together this**  
 17 **objection?**  
 18 A. Clarify the question, please.  
 19 **Q. When you put together this objection, you**  
 20 **testified a couple minutes ago that you may have**  
 21 **copy and pasted from some other documents. Did you**  
 22 **copy and paste from any other objections to prepare**  
 23 **this one?**  
 24 A. Oh, no.  
 25 **Q. When you were referring to the cutting**

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1 **and pasting, were you just referring to the**  
 2 **caption, or were you referring to the content?**  
 3 A. Yeah. Just to the formatting, yeah.  
 4 **Q. You say formatting. Do you just mean the**  
 5 **caption?**  
 6 A. Yes, yes, yes.  
 7 **Q. Sorry. The caption and just potentially**  
 8 **the signature blocks?**  
 9 A. Yes.  
 10 **Q. So the content --**  
 11 A. The content, no, I just -- no, that's all  
 12 original.  
 13 **Q. Okay. I just want to finish my question**  
 14 **quickly. So everything between the caption and the**  
 15 **signature block, you hand typed that out when you**  
 16 **prepared this objection for this case?**  
 17 A. Yes.  
 18 **Q. How long did it take you to draft your**  
 19 **objection?**  
 20 A. You mean at the library, or when I write  
 21 it, or --  
 22 **Q. This specific objection, how long did it**  
 23 **take you to write?**  
 24 A. Well, I do it over days. I'll write  
 25 things down on paper, then I'll go back, and then

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1 I'll rewrite things down. Once I'm ready to go  
 2 type it, it probably takes me, 'cause I'm slow,  
 3 probably about an hour or a little more. But  
 4 usually I spend days just writing ideas down, and  
 5 then I'll reread it, and then I'll write another  
 6 idea down.  
 7 **Q. I'd asked you earlier about how you**  
 8 **learned about this lawsuit. But I forgot to ask**  
 9 **you. When did you learn about this lawsuit?**  
 10 A. I don't recall.  
 11 **Q. Do you recall when you filed your**  
 12 **objection?**  
 13 A. It had to be there by May 3rd, so right  
 14 around then.  
 15 **Q. Do you know if you found out about this**  
 16 **settlement a week before May 3rd, or longer?**  
 17 A. Oh, much longer.  
 18 **Q. Did you think about whether you were**  
 19 **going to file an objection for a while, or did you**  
 20 **know right away?**  
 21 A. I had actually forgotten about it, and  
 22 then I saw it again.  
 23 **Q. So you saw it on two different occasions?**  
 24 A. Yeah, I saw it a while ago. But I can't  
 25 recall when.

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1 **Q. Both times that you saw or somehow**  
 2 **received notice of the settlement, was it on the**  
 3 **top class actions website?**  
 4 A. I believe so.  
 5 **Q. Do you know when you began writing your**  
 6 **objection in this case?**  
 7 A. I don't recall. Probably at least a week  
 8 before I sent it.  
 9 **Q. What computer did you use to type the**  
 10 **objection?**  
 11 A. A computer in the library.  
 12 **Q. Did you save it anywhere?**  
 13 A. No.  
 14 **Q. Did you e-mail it anywhere?**  
 15 A. No.  
 16 **Q. Which library do you go to?**  
 17 A. Fitchburg library.  
 18 **Q. Is there only one Fitchburg library?**  
 19 A. Yes.  
 20 **Q. Do you know whether the objection is**  
 21 **saved somewhere on the computer in the Fitchburg**  
 22 **library?**  
 23 A. It is not.  
 24 **Q. Did you make any copies of the objection**  
 25 **after you printed it?**

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1 A. Only the copies I had to send to other  
2 people.

3 **Q. How many?**

4 A. I don't have that in front of me. Maybe  
5 whoever you had me send it to, the defense, the --  
6 I don't know. Three or four.

7 **Q. Did you keep any copies for yourself?**

8 A. I did not.

9 **Q. Why not?**

10 A. I don't typically keep copies. I don't  
11 really have space for things. I did not.

12 MS. BOYLE: You want to take a break now,  
13 Ms. Sweeney?

14 THE WITNESS: Sure, we can. We might as  
15 well.

16 (Break taken.)

17 BY MS. BOYLE:

18 **Q. We're back in the deposition, and you're  
19 still under oath. When we took our break, we were  
20 still talking about your objection in this case.  
21 And earlier we talked a little bit about how you  
22 draft the objection and what you did to draft that  
23 objection. You testified that you had written down  
24 some notes and then typed it up; is that right?**

25 A. Correct.

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1 **Q. Where did you get the information that is  
2 in your objection?**

3 A. What do you mean? Clarify.

4 **Q. I think you testified a little bit  
5 earlier this afternoon that you looked at the  
6 settlement website, saw the top class action  
7 settlements, and you saw Snyder-Lance's website.  
8 Did you look at anything else to prepare your  
9 objection, or in taking those notes, that ended up  
10 being typed up to be your objection?**

11 A. Yeah, I researched a little about when  
12 they modified class actions, you know, about using  
13 vouchers and changing the parameters a bit. I  
14 don't have anything in front of me, so I can't  
15 really say. But I looked at that.

16 **Q. Was that something you looked at online?**

17 A. Yeah. Yes.

18 **Q. Was that just on a publicly available  
19 website?**

20 A. Was it what?

21 **Q. Just on publicly available websites?**

22 A. Yes. I read an article, I think it was  
23 from Harvard, and he was writing about it.

24 **Q. Do you know what the author's name was?**

25 A. I don't.

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1 **Q. Were you using the computer at the  
2 library, or a different computer?**

3 A. When I was looking at that, I was using  
4 Erin's.

5 **Q. What is your objection to the attorneys'  
6 fees in this case?**

7 A. That they are too high given the  
8 percent -- percentage-wise and, really, what the  
9 class ends up with.

10 **Q. What is the percentage that you  
11 understand the attorneys' fees as part of the  
12 settlement?**

13 A. Again, I don't have my objection in front  
14 of me. I believe it's about 32 percent. And then  
15 there's the expenses and the other fees. But in  
16 actuality, when you take all that out, it -- really  
17 what's available, left for the class, is 1.5, I  
18 believe. 1.4, 1.5. I don't have it in front of  
19 me, so I can't do the math. Yeah. So I just think  
20 it's too high. I think it's just too high. Given  
21 the amount of work that went into all of it, I  
22 think it's just too high.

23 **Q. Do you know how much work went into the  
24 case?**

25 A. Only from observation, not from being

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1 with you.

2 **Q. What observation?**

3 A. Only from reading how many docket  
4 entries, when the case was filed, what you really  
5 did. It was kind of -- I mean, class action  
6 attorneys make a lot of money, and often the class  
7 really gets left out and they really -- it's --  
8 they have it kind of easy, and they -- once you  
9 start reading these, they all sound the same. So  
10 it's -- I don't know.

11 **Q. Do you know any class action attorneys?**

12 A. I do not.

13 **Q. Do you know how much class action  
14 attorneys make?**

15 A. I can speculate. Well, certainly  
16 different ones in different firms make different  
17 amounts.

18 **Q. And when you say these all sound the  
19 same, what are you referring to when you say  
20 "these"?**

21 A. When you read, you know, the orders and  
22 notice they all start -- they all start sounding  
23 the same. So I imagine you can -- you know, that  
24 there isn't a lot of creativity or innovation in  
25 class action lawsuits, and I'll leave it at.

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1 **Q. What type of law does your husband**  
2 **practice?**  
3 A. He was a real estate attorney, pretty  
4 much. Business law, I'll guess, to make it  
5 broader.  
6 **Q. Does he still practice?**  
7 A. He does.  
8 **Q. Does he still practice real estate and**  
9 **business law?**  
10 A. He does.  
11 **Q. How much money does your husband make in**  
12 **his practice?**  
13 A. I'm not going to say or spec -- that's  
14 kind of -- I don't think I need to answer that.  
15 Not a lot. I guess why -- I guess you can't answer  
16 anything from me, so --  
17 **Q. What other sources of income does your**  
18 **household have other than your husband's income?**  
19 A. That is it, presently.  
20 **Q. Have you received any money as part of a**  
21 **settlement of any lawsuit or any objection you**  
22 **filed?**  
23 A. I'm not at liberty to discuss that.  
24 **Q. Has your husband received any money as**  
25 **part of a settlement of a lawsuit or any objection**

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1 **he's filed?**  
2 A. I'm not at liberty to discuss that.  
3 **Q. Do you have any outstanding judgments**  
4 **against you?**  
5 A. Probably.  
6 **Q. Do you know what they are?**  
7 A. I don't. But before you start reading  
8 something off the wall, we declared a bankruptcy  
9 three years ago. We had -- and then it was  
10 dismissed. So I imagine there's many sitting out  
11 there.  
12 **Q. What do you mean, the bankruptcy was**  
13 **dismissed?**  
14 A. Exactly what I stated. It was dismissed.  
15 **Q. Was the bankruptcy completed?**  
16 A. That is correct. It was dismissed.  
17 **Q. Is it your understanding that any**  
18 **outstanding judgments would have been discharged in**  
19 **bankruptcy?**  
20 A. That's not necessarily true, actually.  
21 **Q. Do you have any outstanding judgments**  
22 **that you know of that were --**  
23 A. What is the relevancy to the objection?  
24 **Q. I'm allowed to ask you questions about**  
25 **what your motives might be in this case. Do you**

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1 **want the court reporter to read back the question?**  
2 A. No. Then I would consider that  
3 harassment. But go ahead.  
4 **Q. Why do you consider that to be**  
5 **harassment?**  
6 A. Why do you consider it not? Come on, you  
7 know it is, I know it is. So let's not pretend it  
8 isn't. But why don't you go ahead and have at it.  
9 **Q. Ms. Sweeney, I'm not attempting to harass**  
10 **you in any respect here. I feel like my questions**  
11 **have been within the bounds of the subpoena that**  
12 **the Wisconsin court has ordered you to comply with.**  
13 **If you don't feel that way --**  
14 A. I'm sure you do. I do not feel that way.  
15 In the last five minutes, no, I do not.  
16 **Q. Okay. If you feel like I am outside of**  
17 **the bounds of that, I would ask that we get on the**  
18 **phone with the magistrate judge. I don't want you**  
19 **to be claiming that I am asking any harassing**  
20 **questions. I feel like my questions have been**  
21 **perfectly within the bounds of the subpoena and the**  
22 **order by the Western District of Wisconsin.**  
23 A. Could you indicate to me how much longer  
24 this is? 'Cause I need to text somebody who's  
25 picking my kids up at 3:30 and let them know

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1 what --  
2 **Q. We can talk off the record if you'd like.**  
3 **But if you'd like to go off the record --**  
4 A. We can go off the record. I just need to  
5 text somebody.  
6 **Q. Okay, that's fine.**  
7 MS. BOYLE: Court reporter, we can go off  
8 the record.  
9 (Discussion held off the record.)  
10 MS. BOYLE: Anita, can you hand  
11 Ms. Sweeney Exhibit No. 3, please?  
12 BY MS. BOYLE:  
13 **Q. The court reporter is now handing you**  
14 **Exhibit No. 3. And this is your objection in this**  
15 **case. We've been talking a little bit about it,**  
16 **but I want to ask you some specific questions about**  
17 **it as well, mostly just so I can get an**  
18 **understanding as to why you're objecting in this**  
19 **case and -- so looking at the first page, it says**  
20 **on the bottom, the second line from the bottom,**  
21 **"Proof of membership in the class." And then it**  
22 **says, "Upon information and belief." What does**  
23 **that mean? I'm looking at the first page.**  
24 A. Upon information that's set out -- that  
25 you set out and believe. I mean, it's -- that's

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1 how they're kind of written for proof of  
 2 membership. So I just took it from something.  
 3 **Q. Okay. So that was just something you**  
 4 **added in there? It's not that you don't have an**  
 5 **understanding as to what you're writing in that**  
 6 **sentence?**  
 7 A. Right. It's just -- I just took it from  
 8 something, 'cause it seemed that that's how it was  
 9 written, so --  
 10 **Q. And then the second page, the top line**  
 11 **says, "As a result, she believes that" -- it was**  
 12 **he, but you added an S there -- "is a member of the**  
 13 **class as defined in that notice." It says you**  
 14 **believe. Do you now know that you are a member?**  
 15 A. Well, yes. But, I mean, that's how the  
 16 wording is used a lot. So I just took the wording  
 17 from other things. But I am a member, yes,  
 18 certainly.  
 19 **Q. What other things were you taking the**  
 20 **wording from?**  
 21 A. Just, you can pull it up in proof of  
 22 membership of class. I mean, I've not done very  
 23 many of these, so -- a lot of times you go back to  
 24 ones that were done by other people and look at  
 25 them.

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1 **Q. You testified earlier, I thought, that**  
 2 **you did not review any other objections to prepare**  
 3 **yours. And so that's why I was wondering where**  
 4 **some of this language came from. Are you recalling**  
 5 **now that you reviewed other objections to prepare**  
 6 **yours?**  
 7 A. Well, no. I mean, I use -- I've used  
 8 this before.  
 9 **Q. What do you mean by "this"?**  
 10 A. The wording.  
 11 **Q. When have you used it before?**  
 12 A. If I did another objection.  
 13 **Q. When you were typing your objection for**  
 14 **this case, did you have any objections that you'd**  
 15 **written in the past with you?**  
 16 A. I did not.  
 17 **Q. So it's just something you recalled that**  
 18 **you had written in the past?**  
 19 A. Yes. Or I wrote it down. I mean, you're  
 20 kind of too young to know this, but a lot of people  
 21 my age write things on paper.  
 22 **Q. Do you have any of those papers still?**  
 23 A. I don't.  
 24 **Q. So you had written it down sometime**  
 25 **between when you'd written a prior objection and**

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1 **this objection, but then tossed it afterwards; is**  
 2 **that right?**  
 3 A. That's correct. I don't keep any of my  
 4 notes.  
 5 **Q. But you kept them between the time you'd**  
 6 **written a previous objection and the time you wrote**  
 7 **this one; right?**  
 8 A. No, because I just know that that's what  
 9 you write.  
 10 **Q. I'm going to ask you to close the**  
 11 **document so I can tell what you're looking at.**  
 12 **Because I'm not there, I can't see what you're**  
 13 **looking at; it's also not on the record. So I**  
 14 **would ask you to close the document to the first**  
 15 **page, please.**  
 16 A. (Witness complies.)  
 17 **Q. Thank you. And I'm not trying to keep**  
 18 **asking questions about this, I just want to get an**  
 19 **understanding of where this information came from.**  
 20 **And so if you could just clarify for me. Did you**  
 21 **keep any notes from any prior objections that you'd**  
 22 **written that helped you write this objection?**  
 23 A. No. It's in my head.  
 24 **Q. Okay. So the language you used is from**  
 25 **your head?**

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1 A. Yes.  
 2 **Q. Okay. Thank you. Sorry. Then if you**  
 3 **want to flip to the second page. I'd like you to**  
 4 **stay on this page for now. It says "Reasons for**  
 5 **objecting to the settlement." And under the first**  
 6 **reason it says, "Claims administration process**  
 7 **failed to require reliable future oversights,**  
 8 **accounting and reporting about whether claims**  
 9 **process actually delivers what it was promised."**  
 10 **Did I read that right?**  
 11 A. Correct.  
 12 **Q. Are you aware that the claims**  
 13 **administrator's engagement ensures oversight over**  
 14 **the payment of claims?**  
 15 A. No, not necessarily. But --  
 16 **Q. Did you know that the claims**  
 17 **administrator is required to report to counsel**  
 18 **about all of the claims that are made?**  
 19 A. I would assume.  
 20 **Q. If you knew that the claims administrator**  
 21 **engagement ensured oversight over the payment of**  
 22 **claims, would that change your position about the**  
 23 **settlement with respect to your objection in point**  
 24 **number one?**  
 25 A. No, because if they have to give it -- if

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1 they make a report, that's fine, but it doesn't  
 2 have the attorneys watching over it. They get  
 3 their money and go.  
 4 (Conference call lost.)  
 5 (Break taken.)  
 6 BY MS. BOYLE:  
 7 **Q. So we're back on the record again. Did**  
 8 **you get a chance to review your objection while we**  
 9 **were off the record, Ms. Sweeney?**  
 10 A. No. I actually was doing other things,  
 11 to be honest.  
 12 **Q. I saw you flipping through it, so I**  
 13 **didn't know if you were taking the opportunity to**  
 14 **review it. You can close it again. I just have**  
 15 **some general questions.**  
 16 A. Sure.  
 17 **Q. Did you read the fee motion that was part**  
 18 **of this case?**  
 19 A. The what?  
 20 **Q. The fee motion.**  
 21 A. The fee motion.  
 22 **Q. The motion for attorneys' fees.**  
 23 A. Did I read the motion for attorneys'  
 24 fees. I might have, yeah, 'cause I probably read  
 25 everything on the Internet.

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1 **Q. Do you know how many hours the attorneys**  
 2 **that represented the plaintiffs in the class in**  
 3 **this case put into it?**  
 4 A. I do not know.  
 5 **Q. So looking at the document that's in**  
 6 **front of you, which has been marked as Exhibit 3,**  
 7 **if you turn to the third page, objection number**  
 8 **four, "The attorneys' fees and cost calculation is**  
 9 **unfair, in that the percentage of the settlement**  
 10 **amount is far too high." And then the next page**  
 11 **says, "It is stated in the notice that the cost and**  
 12 **attorneys' fees are \$890,000. That is 32 percent**  
 13 **of the total settlement amount." Did I read that**  
 14 **correctly?**  
 15 A. Yes.  
 16 **Q. So are you saying in here that 32 percent**  
 17 **is too much of the settlement?**  
 18 A. Yes.  
 19 **Q. So you don't think that 32 percent is a**  
 20 **fair attorney fee rate?**  
 21 A. I think it's very high.  
 22 **Q. You testified earlier today that you paid**  
 23 **an attorney, or your father paid an attorney,**  
 24 **33 percent for a case that he represented you on.**  
 25 A. I did.

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1 **Q. And you testified that that was fair. So**  
 2 **why was that fair, but 32 percent is not fair here?**  
 3 A. Because it was an individual case, and  
 4 the attorney put in years. And this is a class  
 5 action, which is completely different than an  
 6 individual case.  
 7 **Q. What makes it different, in your opinion?**  
 8 A. One is representing the class, and  
 9 another is representing the individual.  
 10 **Q. But what makes it different that you**  
 11 **believe that individual attorneys that represent**  
 12 **individuals should receive a higher percentage of**  
 13 **fees than class action attorneys?**  
 14 A. Because I just feel that's too high.  
 15 **Q. I'm just trying to understand why you**  
 16 **feel that's too high. Because you testified**  
 17 **earlier that 33 percent was reasonable in a**  
 18 **different case.**  
 19 A. No, you asked me if it was fair, and I  
 20 said yes. But you don't know -- you don't know  
 21 anything about that case, so -- I did, but you  
 22 don't know about that case, so -- it's comparing  
 23 apples to oranges.  
 24 **Q. Okay. Could you tell me why you believe**  
 25 **that's comparing apples to oranges?**

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1 A. Yes. Again, one is an individual and one  
 2 is a class.  
 3 **Q. And what about an individual**  
 4 **representation do you believe warrants an attorney**  
 5 **being paid more than a class attorney?**  
 6 A. Well, first of all, when you go in, you  
 7 sign an agreement as an individual because you  
 8 don't have to pay anything for the attorney's time,  
 9 and if they lose, they don't get anything. This,  
 10 on the other hand, you're representing a class, and  
 11 class counsel, then you usually win-win. So it's  
 12 completely different. To try and compare the two  
 13 is -- is just kind of silly.  
 14 **Q. Would you be surprised to know that the**  
 15 **attorneys in class action cases do not make any**  
 16 **money if they lose?**  
 17 A. Well, they never lose, or rarely. No, I  
 18 would not be surprised.  
 19 **Q. Why do you say that?**  
 20 A. Because it seems the research I've done,  
 21 they rarely lose.  
 22 **Q. Have you ever reviewed any orders on**  
 23 **motions to dismiss, where class actions have been**  
 24 **dismissed?**  
 25 A. I have not.

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1 **Q. Would you be surprised to know that**  
 2 **that's happened and there are class action**  
 3 **attorneys that have not been paid for cases they've**  
 4 **worked on?**  
 5 A. No, I would not be surprised.  
 6 **Q. You think that's the same with the**  
 7 **individual attorneys?**  
 8 A. Do I think what's the same?  
 9 **Q. There are times when attorneys that**  
 10 **represent individuals bring cases and don't make**  
 11 **anything off of them because they're dismissed.**  
 12 A. Yes.  
 13 **Q. I guess I just don't understand why**  
 14 **that's different. So I'm asking you what your**  
 15 **understanding is as to why that's different.**  
 16 A. Again, one's a class, one's an  
 17 individual. Yes, they get dismissed in both  
 18 arenas; however, you're representing the class, and  
 19 when you go in with an individual, you know that  
 20 you're only going to get so much money, and you're  
 21 able to work with the attorney, and your class is  
 22 really not able to work with you. It's completely  
 23 different. So yes, I think it's excessive. I  
 24 don't know how to answer it any differently.  
 25 **Q. Are you aware of whether the named**

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1 **plaintiffs in this case that serve as**  
 2 **representatives for the class are required to work**  
 3 **with the attorneys in the case?**  
 4 A. Well, of course they would.  
 5 **Q. Just like an individual would in an**  
 6 **individual case?**  
 7 A. I don't know the answer to that.  
 8 **Q. Have you ever served as a class**  
 9 **representative in a class action case?**  
 10 A. I have not.  
 11 **Q. Have you ever thought about it?**  
 12 A. I have not.  
 13 **Q. Looking at the same page that we were**  
 14 **just on -- and I'm not sure if you flipped around**  
 15 **or not, but I'm on page 4, number five -- "The**  
 16 **objector hereby states that of the 206 docket**  
 17 **entries on PACER, very few entries were substantive**  
 18 **in nature." Do you read that sentence?**  
 19 A. Yeah, I'm here.  
 20 **Q. Okay. How do you know how many docket**  
 21 **entries there are on PACER?**  
 22 A. 'Cause you can go on PACER and you can  
 23 see the dockets. You can press "docket" to see all  
 24 of them. And then if you want to go into it  
 25 further, you can.

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1 **Q. Did you review the docket entries in this**  
 2 **case?**  
 3 A. I've looked through them.  
 4 **Q. What did you mean by "substantive in**  
 5 **nature"?**  
 6 A. Substance, like -- I guess I'll give an  
 7 example. My objection. My objection being filed  
 8 or -- I don't know, that's probably not a good  
 9 example. Let me think. You know, there were some  
 10 that certainly -- that they answered pretty well,  
 11 like the attorneys' fees and different ones like  
 12 that. But you've, you know, notice of something, I  
 13 mean you just have to -- things have to be  
 14 docketed.  
 15 But, I mean, there wasn't a lot  
 16 of litigation going on, there wasn't -- as far as I  
 17 could see, for the amount of money that the  
 18 class -- that you're getting and that the class is  
 19 getting, there wasn't a lot of work put in.  
 20 **Q. Do you know how much work was put into**  
 21 **this case?**  
 22 A. I can only look on PACER and see that.  
 23 And I can only speculate.  
 24 **Q. So you don't know how much work was done**  
 25 **in this case?**

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1 A. Is that a different question?  
 2 **Q. I just was clarifying what you said.**  
 3 **Because you said only what's on PACER. So your**  
 4 **answer that the only way you can tell what happened**  
 5 **in this case in terms of work by attorneys was how**  
 6 **many docket entries there were on PACER. And to**  
 7 **you, that tells you there was not that much work**  
 8 **done?**  
 9 A. Pretty much.  
 10 **Q. Okay. And then I was asking you about**  
 11 **what you meant by substantive, because in the next**  
 12 **sentence you say, "The remaining entries were**  
 13 **mostly procedural." So I just want to know what**  
 14 **your understanding is as to what the difference**  
 15 **between substantive and procedural is.**  
 16 A. Like substantive is your answer for  
 17 attorneys' awards, attorneys' fees. Like I think,  
 18 thinking back, you know, there were declarations of  
 19 about four different people. That's substantive.  
 20 You know, that's substantial. That's something you  
 21 spent time doing.  
 22 **Q. Do you recall any other substantive**  
 23 **docket entries in this case?**  
 24 A. I don't right now. I don't have it in  
 25 front of me. So no. Just to give you a heads up,

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1 in a couple minutes, I have to move and do that  
 2 text.  
 3 **Q. Okay, that's fine. Just let me know and,**  
 4 **you know, we can take a break at that time.**  
 5 **Looking at point number seven that you make on**  
 6 **here, you said regarding the cy-pres provision.**  
 7 **What does cy-pres mean?**  
 8 A. It means -- I can't define it. It's a  
 9 Latin word. But it's what you do with the  
 10 remainder of the money that's left over if people  
 11 don't cash their checks, or if you don't have a lot  
 12 of people who make claims. So it's -- as far as  
 13 the Latin definition, I don't know. It's just a  
 14 provision that's in there. And you -- pardon me?  
 15 **Q. I said, do you know if -- sorry, I forgot**  
 16 **the sound is coming from over here now. Do you**  
 17 **know if there's something in the settlement**  
 18 **agreement called a cy-pres provision, or did you**  
 19 **get that language from somewhere else?**  
 20 A. I don't know.  
 21 **Q. So you had an understanding of what that**  
 22 **term meant before reading the settlement agreement?**  
 23 A. Yes. It's just -- and my objection there  
 24 is that you're sending Feeding America -- is that  
 25 correct, Feeding America? -- 'cause I don't have

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1 it written down, that's from my memory. Is that  
 2 correct?  
 3 **Q. You can keep going.**  
 4 A. Is that you're giving them product as  
 5 opposed to cash, or Snyder's is, or -- so  
 6 therefore, that makes the settlement even smaller.  
 7 **Q. Why does that make the settlement smaller**  
 8 **if that's what's left over after the fact?**  
 9 A. Because cash and a product aren't the  
 10 same thing. 'Cause the cost to a company to send a  
 11 product to somebody could be \$0.20, and it's not  
 12 comparing a dollar of -- a dollar is not worth a  
 13 dollar of a product in this case.  
 14 **Q. Do you know how the value of the product**  
 15 **is calculated pursuant to the settlement agreement?**  
 16 A. No. But still, I mean, it's not the  
 17 money. You're sending a product to Feeding America  
 18 and -- that you don't even like the product,  
 19 because it's -- they were deceptive and false  
 20 advertising. So I would think it would be more  
 21 prudent to send the money so they could actually  
 22 buy things that were good for them.  
 23 **Q. Do you know anything about Feeding**  
 24 **America?**  
 25 A. I don't, but it sounds --

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1 **Q. Did you look at --**  
 2 A. No, actually I didn't pull up the  
 3 website. No, I did not.  
 4 **Q. Okay. You're seeking an incentive award**  
 5 **in your objection. Why are you doing that?**  
 6 A. Only if I made the settlement better for  
 7 the class.  
 8 **Q. Have you ever received an incentive award**  
 9 **related to an objection that you filed?**  
 10 A. No, I have not.  
 11 **Q. Do you know if you've ever filed an**  
 12 **objection that's been overruled by a court?**  
 13 A. Yes.  
 14 **Q. Do you know how many times?**  
 15 A. Well, I haven't objected that much, so I  
 16 don't know. To the best of my recollection, four.  
 17 Probably all of them. Five. That's to the best of  
 18 my recollection. That isn't --  
 19 **Q. When is the first time you filed an**  
 20 **objection to a class action settlement?**  
 21 A. I don't recall, but I believe it was US  
 22 Bank, which was --  
 23 **Q. Do you know --**  
 24 A. -- I believe, to the best of my  
 25 recollection -- and then we're going to have to go

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1 off, 'cause I have to text, it's quarter to four --  
 2 two years ago.  
 3 **Q. Okay.**  
 4 A. Okay.  
 5 MS. BOYLE: We can take a break.  
 6 THE WITNESS: Okay.  
 7 (Break taken.)  
 8 BY MS. BOYLE:  
 9 **Q. We can go back on, and I'll try to get**  
 10 **through the rest of this pretty quickly. I just**  
 11 **want to ask you some more questions about the**  
 12 **objection that you filed in this case, and then we**  
 13 **can wrap up. I think -- make sure I know where we**  
 14 **left off. We talked about your objection related**  
 15 **to the attorneys' fees; correct?**  
 16 A. Correct.  
 17 **Q. And we talked about your objection**  
 18 **related to the claims administration process?**  
 19 A. Correct.  
 20 **Q. So there are a few -- there are a few**  
 21 **objections in here that kind of overlap. There's**  
 22 **more than one that's about the attorneys' fees, I**  
 23 **believe. And so I just want to make sure that I'm**  
 24 **not missing any of the main topics in here. So let**  
 25 **me just look through for a second. Okay.**

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1           **Looking at the reasons for the**  
2 **page that has the reason for objecting, and then**  
3 **your objection number one, your second paragraph**  
4 **seems to suggest a way that you suggest the claims**  
5 **administration process should work; is that right?**  
6       A. Correct.  
7       **Q. And can you explain to me what that**  
8 **suggestion is?**  
9       A. Just to sum it up, just basically to hold  
10 out all or a portion of class counsels' fees till  
11 everything's taken care of. Probably more a  
12 portion of it, because it probably wouldn't be fair  
13 to hold the whole thing out. But I feel that in  
14 that segment where it goes to the class and all  
15 that, that -- and you tell me the settlement people  
16 handle that -- but I think that that would be  
17 incentive to the class counsel to make sure it got  
18 done expediently and properly. That's what that  
19 really means.  
20       **Q. Are you aware that class counsel is not**  
21 **paid in this case until the case is finally**  
22 **approved by the judge and after all the claims are**  
23 **made?**  
24       A. Well, no, no, after -- I mean, after all  
25 the claims are paid out, that you would have

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1 oversight and it would get done and it would get  
2 done in a more expedient manner than it is now.  
3 Like money would be held out till the end. That's  
4 what that means.  
5       **Q. Do you know what the timeframe is for**  
6 **payment to the class members?**  
7       A. Not in this case, I do not.  
8       **Q. If you knew that class counsel was not**  
9 **paid until after those claims were paid, would you**  
10 **then change your position here, since it's actually**  
11 **consistent with what you said, if that were the**  
12 **case?**  
13       A. If they were not paid until all the  
14 claims were paid out, yeah, then my position would  
15 be different.  
16       **Q. Okay.**  
17       A. I still think it's too much and too high.  
18 But yeah, my position would be different if all the  
19 claims were done and then -- yeah. Yes is the  
20 answer.  
21       **Q. The next couple objections talk about the**  
22 **attorneys' fees. And then, on the next page, you**  
23 **and I already talked about the docket entries, and**  
24 **you felt that that showed how much work class**  
25 **counsel had put into the case.**

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1       A. Correct.  
2       **Q. And then number six, you said, "No fee**  
3 **request is reasonable in the absence of**  
4 **documentation, including detailed billing records**  
5 **which can be evaluated by the class members and the**  
6 **court to determine the reasonable nature of the**  
7 **request." And there were a couple parentheses in**  
8 **there. But what do you mean by that?**  
9       A. You know how attorneys, like, bill  
10 normally, like it'll be here entry of you made a  
11 phone call or you did this or you did that? And it  
12 is my belief and understanding that you don't have  
13 to do that in class cases. So more -- more  
14 detailed billing.  
15       **Q. Would you be surprised to know that**  
16 **attorneys do keep records of their bills?**  
17       A. No, I wouldn't be -- that would not  
18 surprise me. But, I mean --  
19       **Q. Did you --**  
20       A. -- I have never seen one. But detailed  
21 billing would be --  
22       **Q. So --**  
23       A. -- helpful.  
24       **Q. -- just want to make sure I have your**  
25 **understanding. Is it your position that your**

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1 **objection is that there was not detailed billing**  
2 **here, or you did not get to see that detailed**  
3 **billing? 'Cause that's two different things, in my**  
4 **position.**  
5       A. Correct. Not that I didn't get to see  
6 it, but that there was not detailed billing.  
7       **Q. So if you were to look at the fee**  
8 **petition, the fee agreement in this case, would you**  
9 **be surprised to know that the attorneys did attest**  
10 **that they kept detailed timekeeping records to**  
11 **support their hourly numbers that they put in that**  
12 **petition? Would you be surprised to know that?**  
13       A. You know what, I'm sorry, you kind of  
14 went in and out there, so I heard about three words  
15 of what you said.  
16       **Q. No, that's okay. I can repeat the**  
17 **question. I just said, would you be surprised to**  
18 **know that the attorneys in this case did keep**  
19 **detailed timekeeping records and they explained**  
20 **that in the fee brief, and then provided the total**  
21 **number of hours that were spent on this case?**  
22       A. Yes, I believe they would -- provided the  
23 total number of hours, I believe that. But like  
24 detailed billing -- and let me just give you an  
25 example. So -- and because I'm new to all this.

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1 But in the Western Union, which is one of the cases  
 2 I objected to, they actually were kind of brutal to  
 3 this objector, so the -- and the judge went back  
 4 and they had to spend a month making detailed  
 5 billing, not only of this case but a different one.  
 6 So that's an example of it.  
 7 So in my understanding, that they  
 8 don't provide detailed billing, that they just  
 9 provide hours.  
 10 **Q. Okay.**  
 11 A. And that's my understanding.  
 12 **Q. Would you change your position if you**  
 13 **knew the records in this case did keep detailed**  
 14 **billing records --**  
 15 A. Well --  
 16 **Q. -- with respect to your objection number**  
 17 **six?**  
 18 A. Possibly. But I don't know that that's  
 19 how they're presented to the court.  
 20 **Q. But it might change your position if you**  
 21 **knew that the attorneys in this case did keep**  
 22 **detailed billing records to -- that support the**  
 23 **hours that they put in that brief?**  
 24 A. Possibly.  
 25 **Q. Okay. And then if you flip to the last**

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1 **page of your objection, number nine, it says, "The**  
 2 **objector hereby adopts and joins in all other**  
 3 **objections." And then it goes on. Are you aware**  
 4 **of whether there were any other objections in this**  
 5 **case?**  
 6 A. I am not. But it's just -- that  
 7 objection is kind of so you ride the coattails of  
 8 any other objections that were made.  
 9 **Q. Has that happened with other cases that**  
 10 **you've been involved in?**  
 11 A. Pardon me?  
 12 **Q. Has that happened in other cases you've**  
 13 **been involved in, that --**  
 14 A. No.  
 15 **Q. How did you know to put that in there?**  
 16 A. Just of things I've read. I don't know.  
 17 Because I have a mind and I read things. I don't  
 18 know how to answer that. That's how I knew.  
 19 **Q. It's just something you had seen before**  
 20 **and thought oh, I should add that here?**  
 21 A. Correct.  
 22 **Q. Okay. What are you seeking by filing**  
 23 **this objection?**  
 24 A. That the class gets more of the  
 25 attorneys' fees, and that the people get money

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1 instead of the pretzels and the chips and -- that  
 2 the class gets more and the attorneys get less, so  
 3 sum it up.  
 4 **Q. If you saw detailed billing records that**  
 5 **substantiated the amount of work that was put into**  
 6 **the case, and the dollar amount of fees that the**  
 7 **attorneys received, would that change your position**  
 8 **on how much the attorneys should receive?**  
 9 A. No.  
 10 **Q. Why not?**  
 11 A. Because the percent is too high of what  
 12 the settlement amount is.  
 13 **Q. The 32 percent?**  
 14 A. Well, it actually is higher. I mean, you  
 15 can do a lot of mathematical things with it. If  
 16 you did -- if you took actually what the class is  
 17 actually getting, which is 1.5 million, and you  
 18 took the 890,000 as a percent of that, it's like  
 19 over 60 percent. I mean, you can play a lot with  
 20 it.  
 21 But, yeah. And then, because if  
 22 then -- if there's any money left over -- oh, that  
 23 was another question I had. And had I seen that, I  
 24 would have put that in my objection. And because  
 25 you're not answering me, that's okay. But I'll

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1 just put it out there. The money that is left  
 2 over, so they're sending the people like pretzels  
 3 and potato chips and that, but what actually  
 4 happens to the real money that's left over? Does  
 5 it go back to Snyder's? But anyway, you can't --  
 6 you're not answering that, so that was a thought I  
 7 had.  
 8 **Q. What do you mean by the money that's left**  
 9 **over?**  
 10 A. Well, because you're going to send, or  
 11 Snyder's is, or whatever, because they're your  
 12 cy-pres recipient, so say there's, say, I don't  
 13 know, a number of people don't cash their \$1.50  
 14 checks, or \$2 checks, and there's several thousand  
 15 left over or something, well, then my understanding  
 16 is then they're just sending that amount in worth  
 17 of pretzels or whatever is listed under the potato  
 18 chips. And what happens to that amount of money?  
 19 Where does that money go?  
 20 **Q. Where would you like to see that money**  
 21 **go?**  
 22 A. I would like to see the actual money go  
 23 to, I mean, Feeding America, if that -- I mean, it  
 24 sounds good at first blush. But I don't know where  
 25 it goes. I just know that whatever you negotiated,

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1 it was potato chips and pretzels and whatever else  
 2 is in there.  
 3 **Q. Do you know whether Feeding America**  
 4 **accepts cash donations?**  
 5 A. That I do not know. But then I guess I  
 6 would take a -- then maybe you picked a recipient  
 7 that did not take cash donations, and I would pick  
 8 a -- there's a ton of them in the United States,  
 9 typically, that does take cash donations.  
 10 **Q. So I want to talk to you a little bit**  
 11 **about the objections that you've filed. And you've**  
 12 **listed some of them, or maybe all of them. It**  
 13 **looks like you've listed all of your objections for**  
 14 **the past five years. Can you tell me whether you**  
 15 **filed any objections that are not within the last**  
 16 **five years?**  
 17 A. You mean that I filed like 16 years ago  
 18 or something?  
 19 **Q. Right, five or more.**  
 20 A. Oh, no.  
 21 **Q. So these are all the objections you've**  
 22 **ever filed?**  
 23 A. To the best of my knowledge. Let me go  
 24 back and -- I don't even know.  
 25 **Q. I'm looking at the last page and the**

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1 **second to the last page, you list out some cases**  
 2 **that you objected in; is that right?**  
 3 A. Yeah, but now I'm not seeing it. Oh, here  
 4 it is.  
 5 **Q. It's just number eight.**  
 6 A. The Walgreens. Yeah, to the best of my  
 7 knowledge.  
 8 **Q. Okay. What was the US Bank overdraft**  
 9 **litigation?**  
 10 A. What was it or when was it?  
 11 **Q. What was it?**  
 12 A. It was for overdraft fees.  
 13 **Q. What was your objection to the**  
 14 **settlement?**  
 15 A. I actually do not recall. I don't have  
 16 it in front of me, so -- I mean, there's only -- I  
 17 mean, most of them are on attorneys' fees, I would  
 18 say.  
 19 **Q. So you'd say you just have a general**  
 20 **opposition to attorneys' fees in class action**  
 21 **cases?**  
 22 A. No.  
 23 **Q. Then what is -- what did you mean by what**  
 24 **you just said?**  
 25 A. I'm just assuming that. I don't know. I

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1 don't have enough information in front of me or  
 2 available to me at the moment to make a clear  
 3 answer.  
 4 **Q. Did you mean that most of the objections**  
 5 **you've filed have been related to attorneys' fees?**  
 6 A. Many.  
 7 **Q. Are there any class actions that you**  
 8 **objected to and did not object to the attorneys'**  
 9 **fees?**  
 10 A. I do not recall. But, I mean, I haven't  
 11 objected to that many, so --  
 12 **Q. And it looks like, from here, you've**  
 13 **objected to the US Bank overdraft litigation,**  
 14 **Walgreens, Western Union, Blue Buffalo, and the**  
 15 **Justice litigation. So that's five.**  
 16 A. Okay.  
 17 **Q. And you testified that you didn't object**  
 18 **to any before that. So is it true that you've**  
 19 **objected to five class action settlements?**  
 20 A. To the best of my recollection.  
 21 **Q. And do you know what the US Bank**  
 22 **overdraft litigation was about?**  
 23 A. Yeah, it was about they overdrafted you  
 24 in how they procedurally put in amounts, you know,  
 25 that came in. Money coming in and money going out.

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1 **Q. So did you have an overdraft fee that you**  
 2 **were charged that made you part of that class?**  
 3 A. Oh, yeah. And I got -- I mean, I got a  
 4 card in the mail.  
 5 **Q. What do you mean, you got a card in the**  
 6 **mail?**  
 7 A. A postcard saying you may be a member of  
 8 this class, da, da, da, da, da.  
 9 **Q. Because they have the records that your**  
 10 **bank account had been overdrafted and falls into**  
 11 **the class; right?**  
 12 A. Again, this is two years ago. I don't  
 13 know. Do you remember two years ago? To the best  
 14 of my knowledge.  
 15 **Q. Have you objected to other cases that**  
 16 **related to overdraft fees?**  
 17 A. I do not believe so, to the best of my  
 18 knowledge.  
 19 **Q. Do you know where the US Bank overdraft**  
 20 **litigation was filed?**  
 21 A. I don't.  
 22 **Q. Were you represented by an attorney with**  
 23 **reference to your objection in that case?**  
 24 A. I don't recall.  
 25 **Q. Have you ever been represented by an**

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1 attorney in connection with any objections you've  
 2 filed in class action settlements?  
 3 A. I don't recall.  
 4 Q. So you don't know whether you've ever  
 5 been represented by an attorney in a class action  
 6 settlement?  
 7 A. I don't recall.  
 8 Q. And so then the next one you have listed  
 9 here is the Walgreens litigation.  
 10 A. Yes.  
 11 Q. What was that case about?  
 12 A. Phone calls. The TCPA.  
 13 Q. What is the TCPA?  
 14 A. I don't know. The crux of it is if you  
 15 were receiving texts that you didn't sign up for,  
 16 then they violated whatever the TCPA rule is.  
 17 Q. And do you know why you objected to the  
 18 Walgreens settlement?  
 19 A. I do. Attorneys' fees.  
 20 Q. Do you know any other reasons you  
 21 objected to that settlement?  
 22 A. I do not recall.  
 23 Q. What was the outcome of your objection in  
 24 that case?  
 25 A. I think they threw all the objections

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1 out.  
 2 Q. I forgot to ask that about the US Bank  
 3 overdraft litigation. What was the outcome of your  
 4 objection in the US Bank overdraft litigation case?  
 5 A. I believe they threw all the objections  
 6 out.  
 7 Q. And then you list the Western Union  
 8 litigation.  
 9 A. Yes. That's not complete, so I don't  
 10 know what will happen.  
 11 Q. So that's still going on?  
 12 A. Correct.  
 13 Q. And why did you object to the Western  
 14 Union litigation settlement?  
 15 A. I don't have it in front of me. Again,  
 16 attorneys' fees was one of them, but there were  
 17 other things in there. But I just don't have it in  
 18 front of me, so I can't say.  
 19 Q. What was that case about?  
 20 A. That, again, was you receiving texts you  
 21 shouldn't receive.  
 22 Q. And then you noted in here that you  
 23 objected in the Blue Buffalo litigation. And I  
 24 think you testified you were deposed in that matter  
 25 on Monday; is that right?

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1 A. Correct.  
 2 Q. Where is that case filed?  
 3 A. What do you mean, where is it filed?  
 4 Q. Do you know where that case is?  
 5 A. You mean where they filed it physically?  
 6 Q. Yes.  
 7 A. I believe it -- to the best of my  
 8 knowledge, I believe it's Missouri.  
 9 Q. And who took your deposition in that  
 10 case?  
 11 A. Oh, boy. Frederick. And the last name  
 12 is like a -- I don't know want to define  
 13 nationalities. Frederick somebody.  
 14 Q. Do you have an understanding as to which  
 15 party he represented in the Blue Buffalo  
 16 litigation?  
 17 A. Yeah, he was part of the class counsel.  
 18 Q. And did he depose you in Madison?  
 19 A. He did.  
 20 Q. Was he there?  
 21 A. No. He did Skype, like you did.  
 22 Q. I hope you guys didn't have as many  
 23 technical difficulties as we did today.  
 24 A. Actually, it went pretty smoothly. I  
 25 think they hired some other attorney from some

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1 other firm who sat in, although she was nine months  
 2 pregnant and due the following week, so she kind of  
 3 wasn't really there, but --  
 4 Q. And then you list the Justice litigation?  
 5 A. Yeah.  
 6 Q. What was that case about?  
 7 A. That's about kind of false and  
 8 misleading, how -- I don't know if you've ever  
 9 shopped at Justice, but you go in and they say  
 10 thing's are 40 percent off, or everything's 40  
 11 percent off. So it was -- really it's not 40  
 12 percent off. It's like deceptive advertising.  
 13 Q. Have you shopped at Justice before?  
 14 A. Oh, my gosh, yes. If you knew the  
 15 amounts of money I spent at Justice. Yeah, a lot.  
 16 Between having a teenager daughter and a  
 17 26-year-old daughter, yes. I'm probably ten times  
 18 over in that class. And I think probably half the  
 19 population is. I don't know.  
 20 Q. What was the outcome of that case?  
 21 A. Oh, it's still going on. Now, in that  
 22 case, just -- you probably know this, but I think  
 23 they got like over 50 objectors.  
 24 Q. And where was that case filed?  
 25 A. Oh, gosh. I do not recall.

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1 **Q. Do you know when you filed your**  
2 **objection?**  
3 A. Let's see. Either the end of April or  
4 early May, I believe. Or no, maybe middle of  
5 April. I don't recall. Something like that. Not  
6 in March.  
7 **Q. Has your husband represented you as an**  
8 **attorney in any of the objections you've filed to**  
9 **class action lawsuits?**  
10 A. I do not recall.  
11 **Q. Do you recall objecting in a lawsuit**  
12 **called In Re Checking Account Overdraft Litigation?**  
13 A. Say that again.  
14 **Q. In Re Checking Account Overdraft**  
15 **Litigation.**  
16 A. No, I don't know it. I don't know  
17 anything about that.  
18 **Q. Do you think that might be the US Bank**  
19 **case that we were talking about?**  
20 A. I don't know.  
21 **Q. Did your husband represent you in the US**  
22 **Bank overdraft litigation?**  
23 A. Again, I don't recall.  
24 **Q. Because you said that was about two years**  
25 **ago.**

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1 A. Yeah. Or maybe more.  
2 **Q. Are there any cases where you filed an**  
3 **objection and then withdrew the objection before**  
4 **the court ruled on it?**  
5 A. I don't believe so.  
6 **Q. Have you ever heard of Darryl Palmer?**  
7 A. I have.  
8 **Q. How do you know Darryl Palmer?**  
9 A. He went to law school with my husband.  
10 **Q. Has he ever represented you?**  
11 A. Not to my knowledge.  
12 **Q. Does he practice in Wisconsin, to your**  
13 **knowledge?**  
14 A. Not to my knowledge.  
15 **Q. Do you know where Darryl Palmer lives?**  
16 A. I believe he lives in California.  
17 **Q. Do you stay in contact with him?**  
18 A. I do not.  
19 **Q. Do you know if your husband does?**  
20 A. I don't believe much, but I -- but they  
21 probably have some contact. But I don't. I mean,  
22 I haven't seen the guy in 20 years, or 30. Gosh,  
23 that dates you.  
24 **Q. Have you ever heard of a class action**  
25 **lawsuit called Larson versus Trader Joe's Company?**

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1 A. I have.  
2 **Q. How have you heard of that?**  
3 A. Just because a guy in the Buffalo suit  
4 gave that to me and an appeal that -- and then my  
5 name was on it. But that was -- I never did that,  
6 so --  
7 **Q. Is it your position that somebody filed**  
8 **that on your behalf without your consent?**  
9 A. That is correct.  
10 **Q. Have you ever heard of a case called In**  
11 **Re Capital One Telephone Consumer Protection Act**  
12 **Litigation?**  
13 A. Oh, yeah, I got a notice for that on an  
14 e-mail. And then I think I was sending an  
15 objection in, but it was, like, too late. I forgot  
16 about that one. I'm just thinking of the ones that  
17 actually got there.  
18 **Q. But that could have -- should have been**  
19 **listed on your list that you filed an objection?**  
20 A. Maybe. 'Cause I think it just -- I  
21 was -- like they said I was too late or something.  
22 I don't know. Maybe. I forgot about that.  
23 **Q. Okay. Have you ever heard of a case**  
24 **called In Re Alliance Franklin Templeton Bank of**  
25 **America Pilgrim Baxter?**

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1 A. No.  
2 **Q. If we have information showing that you**  
3 **made an objection in that case, would that be**  
4 **incorrect?**  
5 A. The Bank of America? Yes.  
6 **Q. Is it possible your husband objected on**  
7 **your behalf without your knowledge?**  
8 A. I doubt it.  
9 **Q. But if he did file something in that**  
10 **case, you were not part of that?**  
11 A. Not to my knowledge, no. The only bank I  
12 filed anything on is US Bank.  
13 **Q. Is Western Union a bank?**  
14 A. Western Union -- well, it's very  
15 interesting you say that, because once I said  
16 something to my daughter. And no, they're not a  
17 bank per se.  
18 **Q. Okay.**  
19 A. I won't bore you with the details of it,  
20 so -- okay.  
21 **Q. I think you said just a minute ago that**  
22 **in your deposition on Monday, the attorney showed**  
23 **you something but you did not file. Did that have**  
24 **your name on it?**  
25 A. It had my name on it, yeah.

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1 **Q. And what case was that related to?**  
 2 A. The Trader Joe's.  
 3 **Q. And that was a letter?**  
 4 A. I don't recall. It was something, and  
 5 then it had Darryl Palmer's name at the end as the  
 6 filer. And my daughter's name was also on it too.  
 7 And -- yeah, no, that was not us.  
 8 **Q. Have you ever heard of a case called In**  
 9 **Re Mutual Fund Investment Litigation, Franklin**  
 10 **Subtract?**  
 11 A. Say that again.  
 12 **Q. In Re Mutual Fund Investment Litigation**  
 13 **Franklin Subtract.**  
 14 A. No.  
 15 **Q. If we have information showing you made**  
 16 **an objection in that case, would that information**  
 17 **be incorrect?**  
 18 A. I believe so, yes. Can you scan and  
 19 e-mail those that you're stating?  
 20 **Q. I'm going to ask you about a couple more,**  
 21 **and then I'll have the court reporter show you some**  
 22 **documents that I've sent to her. Have you heard of**  
 23 **a case called, and I don't know how to pronounce**  
 24 **it, so I'm going to spell it, R-O-U-G-U-I-E versus**  
 25 **Ascena Retail Group, Inc.? Is that the Justice**

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1 **case you were referring to?**  
 2 A. I think that's the Justice one. Yeah, I  
 3 think Ascena's Justice.  
 4 **Q. And unfortunately, I did send the**  
 5 **documents over with numbers on them, and it sounds**  
 6 **like they did not end up in the same order. So I'm**  
 7 **going to -- Anita, if you could go from the back of**  
 8 **the documents that were sent.**  
 9 **(Exhibit 4 marked for identification.)**  
 10 **BY MS. BOYLE:**  
 11 **Q. Ms. Sweeney, the court reporter's handed**  
 12 **you what's been marked as Exhibit 4. And this, to**  
 13 **me, looks like a letter to a judge regarding the**  
 14 **Trader Joe's class action objections. And I want**  
 15 **to have you flip to the last page. And this looks**  
 16 **like an envelope.**  
 17 A. Oh, I don't -- I didn't say I didn't do  
 18 an objection, I said I didn't do an appeal. That's  
 19 what the guy handed me.  
 20 **Q. Okay.**  
 21 A. I mean, I certainly could have done an  
 22 objection, but I did not do an appeal.  
 23 **Q. Okay.**  
 24 A. I mean that -- yeah, that certainly is my  
 25 handwriting.

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1 **Q. So is this refreshing your recollection**  
 2 **that you filed an objection in the Trader Joe's**  
 3 **case?**  
 4 A. Yes.  
 5 **Q. Okay.**  
 6 A. But I didn't file an appeal. That's what  
 7 he gave me at the Blue Buffalo thing. Not an  
 8 objection.  
 9 **Q. So is it your understanding that somebody**  
 10 **filed an appeal on your behalf without your**  
 11 **consent?**  
 12 A. That is my understanding.  
 13 **Q. Okay. Has any court ever imposed**  
 14 **sanctions on you?**  
 15 A. No.  
 16 **Q. Are you aware of whether any court has**  
 17 **imposed sanctions on your husband?**  
 18 A. I am not.  
 19 **Q. Do you know whether any court has?**  
 20 A. I am not aware of any, no.  
 21 **Q. Okay. Do you know that he has not been**  
 22 **sanctioned before, or you just are not aware of**  
 23 **any?**  
 24 A. I'm not aware of any.  
 25 **Q. Sorry, I should have clarified that from**

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1 **the beginning.**  
 2 A. That's all right. It's getting long.  
 3 **Q. So I just want to make sure that I have**  
 4 **the list of cases that you've objected to correct.**  
 5 **And we went through the five cases that you have**  
 6 **listed in your objection. And I've identified the**  
 7 **Trader Joe's case which, in fact, you were reminded**  
 8 **of on Monday; is that right?**  
 9 A. Yeah. But he gave me an appeal thing.  
 10 That's what I was talking about.  
 11 **Q. Right. But we went through your list of**  
 12 **five cases, and you testified earlier that those**  
 13 **were the only cases that you've ever objected to.**  
 14 A. To the best of my recollection.  
 15 **Q. So Monday did not refresh your**  
 16 **recollection that you had objected in the Trader**  
 17 **Joe's case?**  
 18 A. No. I was talking about the appeal.  
 19 **Q. Right. But when you sat here this**  
 20 **morning, do you recall that you had objected in the**  
 21 **Trader Joe's case?**  
 22 A. No, I actually had forgotten all that  
 23 until you said it and we were talking about it.  
 24 And then it was about the appeal. And then that  
 25 Capital One thing, I forgot about that too. But

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1 that was like too late of an objection or  
 2 something.  
 3 **Q. Okay. And then you testified that you**  
 4 **don't know anything about any objection that had to**  
 5 **do with Alliance Franklin Templeton Bank of America**  
 6 **or Pilgrim Baxter?**  
 7 A. No.  
 8 **Q. Do you ever recall objecting in a case**  
 9 **where mutual funds were allegedly sending**  
 10 **misleading practices to its customers?**  
 11 A. No.  
 12 **Q. So other than your husband's help in**  
 13 **drafting this, the motion that was filed in the**  
 14 **Western District of Wisconsin with respect to our**  
 15 **subpoena, has he helped you or has he acted as your**  
 16 **attorney in drafting any objections to these other**  
 17 **cases that we've identified?**  
 18 A. Okay, these other ones. I can't remember  
 19 about US Bank. That I can't recall. But not in  
 20 the other ones. And then Capital One, no, I wrote  
 21 that. And then probably this Trader Joe's, he  
 22 probably helped me with looking at it. But  
 23 otherwise, that's to the best of my knowledge.  
 24 **Q. Was the US Bank overdraft litigation the**  
 25 **first objection you filed?**

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1 A. To the best of my recollection, yes.  
 2 **Q. So that was why he helped you with that**  
 3 **first one?**  
 4 A. I believe so. I don't even have it in  
 5 front of me, or I don't even have it anymore, so I  
 6 don't -- I can't even remember. I don't recall on  
 7 that.  
 8 **Q. I'm just wondering, because you testified**  
 9 **earlier that you haven't filed that many**  
 10 **objections. So if you haven't filed that many**  
 11 **objections, I was just questioning about what you**  
 12 **recalled and whether you retained any attorneys,**  
 13 **specifically your husband.**  
 14 **So I think that you told me that**  
 15 **you don't recall if he represented you in the US**  
 16 **Bank overdraft litigation, but he did not represent**  
 17 **you in your other objections, is that right, other**  
 18 **than the motion you filed in this case?**  
 19 A. To the best of my recollection.  
 20 **Q. Okay. Who is Scott Beck?**  
 21 A. Who's who?  
 22 **Q. Scott Beck.**  
 23 A. Scott Beck. I have no idea.  
 24 **Q. Who is Bonnie Sweeney?**  
 25 A. I have no idea.

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1 **Q. Are you familiar with the objections your**  
 2 **husband has made to class action settlements?**  
 3 A. No, just -- no. Just the Western Union,  
 4 which we are in together.  
 5 **Q. Do you know if he's filed other**  
 6 **objections to class action settlements that you're**  
 7 **not familiar with?**  
 8 A. I believe he has.  
 9 **Q. Do you know how many?**  
 10 A. I do not know.  
 11 **Q. Do you know if it's more than five?**  
 12 A. I do not know.  
 13 **Q. Do you know if it's less than five?**  
 14 A. I do not know.  
 15 **Q. Who is Kerry Ann Sweeney?**  
 16 A. Now she, I know. She's my daughter.  
 17 **Q. Do you know if your -- is this your**  
 18 **26-year-old daughter?**  
 19 A. Correct.  
 20 **Q. Do you know if she's ever filed any**  
 21 **objections to class action settlements?**  
 22 A. She has. She did -- we did US Bank  
 23 together, and then StarKist.  
 24 **Q. You'll have to remind me, what is**  
 25 **StarKist? Is that the tuna or is that a drink?**

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1 A. That's StarKist tuna.  
 2 **Q. Did you help her with her objection in**  
 3 **that case?**  
 4 A. We discussed it, yes, and then she did it  
 5 herself.  
 6 **Q. Was she represented in that case, to your**  
 7 **knowledge?**  
 8 A. She was not.  
 9 **Q. Are you aware of any other of your family**  
 10 **members who have filed objections to class action**  
 11 **settlements?**  
 12 A. No.  
 13 **Q. Are you aware of any objections filed by**  
 14 **any of your close friends to class action**  
 15 **settlements?**  
 16 A. No.  
 17 **Q. Do you know anyone else other than you**  
 18 **and your husband and your daughter, Kerry Ann, who**  
 19 **have filed objections to class action settlements?**  
 20 A. Apparently, Darryl Palmer used my name.  
 21 **Q. You know Darryl has filed objections to**  
 22 **class action settlements. Do you know anyone else**  
 23 **that has filed any objections to class action**  
 24 **settlements other than your husband, Darryl, and**  
 25 **your daughter?**

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1 A. No, I do not.  
 2 **Q. And I mean on their own behalf, not on**  
 3 **your behalf.**  
 4 A. Yeah. No, I don't know anybody.  
 5 **Q. Okay. I just wanted to make sure I was**  
 6 **clear.**  
 7 A. Yeah.  
 8 **Q. I'm going to take a minute now just to**  
 9 **review my questions, and I'm close to done. I just**  
 10 **need a minute, if that's okay.**  
 11 A. Sure, that's just fine.  
 12 (Break taken.)  
 13 BY MS. BOYLE:  
 14 **Q. So we're still under oath and we're still**  
 15 **on the record here for your deposition, and so I**  
 16 **just want to ask you a couple more questions, and**  
 17 **then I want to revisit some questions that we had**  
 18 **been talking about before. I had asked you earlier**  
 19 **about your income and your husband's income. Do**  
 20 **you share joint finances?**  
 21 A. Do we share joint finances. You mean do  
 22 we file tax returns together or --  
 23 **Q. Do you guys have a joint bank account?**  
 24 A. We do not.  
 25 **Q. Do you have a bank account?**

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1 A. I do not.  
 2 **Q. Does your husband?**  
 3 A. He does not.  
 4 **Q. Why do you use your daughter's bank**  
 5 **account?**  
 6 A. Convenient for me.  
 7 **Q. Why is it convenient?**  
 8 A. How does that relate to my objection?  
 9 **Q. Are you objecting to this class action**  
 10 **settlement to contribute to your income stream?**  
 11 A. I am not.  
 12 **Q. If you receive any financial benefit from**  
 13 **this objection to this class action lawsuit or**  
 14 **anything related to it, would your husband receive**  
 15 **a financial benefit from that?**  
 16 A. He would not.  
 17 **Q. Is it my understanding that you are not**  
 18 **going to answer any of my questions related to why**  
 19 **you use your daughter's bank account and why your**  
 20 **daughter is paying for your PACER accounts?**  
 21 A. That is correct.  
 22 **Q. So you're refusing to answer those**  
 23 **questions?**  
 24 A. If you can tell me the relevancy to my  
 25 objections, I will reconsider.

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1 **Q. Well, part of the reason that we're**  
 2 **permitted to depose you is to understand the**  
 3 **motives for your objection here.**  
 4 A. All right.  
 5 **Q. So one of the reasons --**  
 6 A. Go ahead. I told you I use my daughter's  
 7 account for convenience.  
 8 **Q. And I just asked, what was convenient**  
 9 **about that?**  
 10 A. It's just convenient. It's a good  
 11 account. It's a US Bank.  
 12 **Q. Do you contribute money to your**  
 13 **daughter's bank account?**  
 14 A. I do.  
 15 **Q. Does your husband?**  
 16 A. He does.  
 17 **Q. Does he use your daughter's bank account?**  
 18 A. He does not.  
 19 **Q. But you use it to buy groceries, for**  
 20 **example, for your family?**  
 21 A. I do.  
 22 **Q. Is your name on the bank account?**  
 23 A. I do not believe so.  
 24 **Q. Where does your husband's income get**  
 25 **deposited, or where does that go?**

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1 A. Cash, often. I mean, I don't know.  
 2 **Q. Where else -- you don't know where the**  
 3 **money he receives as part of his business goes to?**  
 4 A. I do not.  
 5 **Q. Did you pay your husband any money to**  
 6 **represent you with respect to the motion to quash**  
 7 **the subpoena that you filed in the Western District**  
 8 **of Wisconsin related to this case?**  
 9 A. I did not.  
 10 **Q. He just helped you write it?**  
 11 A. Correct.  
 12 **Q. Have you ever received money after having**  
 13 **objected to a class action settlement?**  
 14 A. No.  
 15 **Q. Have you ever received money for**  
 16 **withdrawing an objection to a class action**  
 17 **settlement?**  
 18 A. I'm not at liberty to discuss that.  
 19 **Q. Other than what you're not at liberty to**  
 20 **discuss, have you ever received money in any way**  
 21 **related to objecting to class action settlements?**  
 22 A. No.  
 23 **Q. And so is it your position that the fact**  
 24 **of whether or not you received money as a result of**  
 25 **withdrawing an objection to a class action**

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1 **settlement, you're not even at liberty to discuss**  
2 **the fact that it happened?**  
3 A. Correct.  
4 **Q. Okay. Why is your husband not**  
5 **representing you in relation to your objection to**  
6 **this class action settlement?**  
7 A. I don't want him to. I don't need him  
8 to. I came pro se.  
9 **Q. Did you ask him to represent you for**  
10 **purposes of this deposition?**  
11 A. I did not.  
12 **Q. Since we've been in this deposition**  
13 **today, who have you been talking with on your phone**  
14 **via text or via phone call at all?**  
15 A. My daughter Erin.  
16 **Q. Have you spoken with your husband at all?**  
17 A. No.  
18 **Q. And what have you talked with your**  
19 **daughter Erin about?**  
20 A. Did Maria pick her up and is she safe and  
21 is she at Regina's house.  
22 **Q. Nothing in relation to the case?**  
23 A. No.  
24 **Q. Have you ever heard of a case called Gay**  
25 **versus Tom's of Maine?**

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1 A. I only heard of it I think because you  
2 guys had something attached, I think, when you sent  
3 your subpoena. But I didn't -- to be honest with  
4 you, I didn't read it. It's been a really hectic  
5 week. But I flipped it, and I saw that it said  
6 that, and I saw that it said Tom's of Maine.  
7 **Q. Do you know if your husband objected in**  
8 **that case?**  
9 A. He may have. I don't know for sure.  
10 **Q. You didn't talk to him about it after you**  
11 **saw that?**  
12 A. No. I -- no, I did not.  
13 **Q. You didn't ask him if he had any**  
14 **documents related to that case?**  
15 A. No, I didn't.  
16 **Q. And you testified earlier that your**  
17 **husband was a business law and real estate**  
18 **attorney. What types of cases does he handle?**  
19 A. Real estate. All real estate issues,  
20 business issues, buying and selling businesses,  
21 estate issues. Yeah, so a business attorney.  
22 **Q. Transactional work?**  
23 A. Transactional work.  
24 **Q. Do you know if he's ever represented**  
25 **someone who's been objecting to a class action**

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1 **settlement?**  
2 A. I do not know.  
3 **Q. You testified that one of your daughters**  
4 **objected to a class action settlement. Do you know**  
5 **why she did that?**  
6 A. Because I saw it. And they lived in San  
7 Diego, and the girl she lived with ate a lot of  
8 tuna, and they were a member of the class.  
9 **Q. So you told them about it?**  
10 A. I did.  
11 **Q. What did you tell them about objecting to**  
12 **class action settlements?**  
13 A. I told them to file a claim and read the  
14 notice and if you don't like something about the  
15 settlement, you can object to it.  
16 **Q. Anything else you told them about**  
17 **objecting to class action settlements?**  
18 A. That it is written in the statute, and  
19 objectors are supposed to be able to object.  
20 **Q. Did you encourage them to object to the**  
21 **class action settlement?**  
22 A. I did not.  
23 **Q. Have you informed anyone else about the**  
24 **fact of objecting to class action settlements like**  
25 **you did your daughter and her roommate?**

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1 A. Well, I didn't inform her roommate. I  
2 said she and her roommates ate a lot of tuna.  
3 **Q. Oh, sorry about that.**  
4 A. That's okay.  
5 **Q. Have you informed anyone else like you**  
6 **did your daughter in that?**  
7 A. No.  
8 **Q. Did you testify earlier that your**  
9 **husband's income was your only family income?**  
10 A. I did.  
11 **Q. Do you know what your daughter's income**  
12 **is?**  
13 A. I don't.  
14 **Q. Do you review the bank statements that**  
15 **you use, or for the bank account that you use?**  
16 A. I don't know. She -- no, not really.  
17 **Q. How did it come to be that you started**  
18 **using her bank account? I don't mean to keep**  
19 **asking questions, it's just kind of a weird**  
20 **situation.**  
21 A. I'm sorry, I just got a phone call from  
22 my daughter.  
23 **Q. I actually need you to answer the**  
24 **question that I posed, and then we can definitely**  
25 **take a break if you need that.**

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1 A. All right. Well, you told me that it  
 2 would be another hour at 4:30, and it's now ten  
 3 after five and I, like you, have kids sitting  
 4 somewhere. Anyway, go ahead.  
 5 **Q. Yeah. I just asked how it came to be**  
 6 **that you started using your daughter's bank**  
 7 **account.**  
 8 A. It was just more convenient for me.  
 9 **Q. Did you have a conversation about it?**  
 10 A. What do you mean, did we have a  
 11 conversation?  
 12 **Q. Like oh, mom, do you want to start using**  
 13 **my bank account? It's just kind of an odd**  
 14 **situation. So I'm wondering how it came to be that**  
 15 **you started using her bank account. Was it because**  
 16 **you were filing for bankruptcy, or was there**  
 17 **another reason?**  
 18 A. If this has relevancy to my objection,  
 19 but now this is just getting harassing. I just  
 20 chose to use her bank account with her.  
 21 **Q. So are you refusing to answer my**  
 22 **questions related to --**  
 23 A. No. I just answered it.  
 24 **Q. Okay. Okay. And I'm sorry about the**  
 25 **time thing. I did give you an estimate,**

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1 **unfortunately, we had some technical difficulties**  
 2 **as well. But I do appreciate your time here today.**  
 3 **I just have one more question. Did you make a**  
 4 **claim under the settlement in this case?**  
 5 A. Yes, I did.  
 6 **Q. What was the claim?**  
 7 A. That I had purchased -- by the way, the  
 8 website was bad, and it was really hard to put it  
 9 in. And if you put a date in, the thing would,  
 10 like, not work. So I put in two things, I put in  
 11 the pretzels and the chips, although I've probably  
 12 purchased, you know, a hundred over the last year.  
 13 But I put in two. I put in one of the pretzels and  
 14 one of the chips.  
 15 **Q. Why didn't you put in ten?**  
 16 A. Because again, as I said, your website,  
 17 it was not working right. And when you -- you  
 18 could put it in, like, what your item was, but then  
 19 it said, like, approximate date or something, and  
 20 you would go to do that, and then it wouldn't do  
 21 that. So I had to do it, like, two or three times.  
 22 And I just didn't have the time to do that. So I  
 23 just put the two in.  
 24 **Q. You didn't go back and try to do it at a**  
 25 **later date?**

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1 A. I tried to do it twice. I tried to do it  
 2 twice, yes. Not at a later day, no.  
 3 **Q. When did you make your claim?**  
 4 A. I do not recall.  
 5 MS. BOYLE: I don't have any other  
 6 questions.  
 7 (Deposition concluded at 5:05 p.m.)  
 8  
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1 STATE OF WISCONSIN )  
 ) ss.  
 2 COUNTY OF MILWAUKEE )  
 3 I, ANITA KORNBURGER-FOSS, Registered  
 4 Professional Reporter and Notary Public in and  
 5 for the State of Wisconsin, do hereby certify  
 6 that the preceding deposition was recorded by  
 7 me and reduced to writing under my personal  
 8 direction.  
 9 I further certify that said deposition was  
 10 taken at 10 East Doty Street, Madison,  
 11 Wisconsin, on May 12, 2016, commencing  
 12 at 1:31 p.m. and concluding at 5:05 p.m.  
 13 I further certify that I am not a relative  
 14 or employee or attorney or counsel of any of  
 15 the parties, or a relative or employee of such  
 16 attorney or counsel, or financially interested  
 17 directly or indirectly in this action.  
 18 In witness whereof, I have hereunto set my  
 19 hand and affixed my seal of office at  
 20 Milwaukee, Wisconsin, this 18th day of May,  
 21 2016.  
 22  
 23 ANITA KORNBURGER-FOSS, RPR - Notary Public  
 24 My commission expires May 13, 2017.  
 25

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# EXHIBIT C



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TODD BARRON, ADELE FERRERA,  
MATTHEW MCDONOUGH and  
DAVID KORN, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

SNYDER'S LANCE, INC.,

Defendant.

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ORDER

WDW Case No. 16-mc-06-slc

SDF Case No. 13-62496 LENARD/GOODMAN

On May 10, 2016, Pamela A. Sweeney, self-styled pro se objector in this lawsuit, filed a motion to stay discovery and to quash a Rule 45 subpoena that requires her deposition here in Madison on May 12, 2016. *See* dkt. 1. This is the third motion to quash filed in this court within the past week by Ms. Sweeney or by Patrick Sweeney, but the other two resolved themselves without this court entering a captioned order. *See* 16-mc-04 , *In Re: Blue Buffalo Company, Ltd. Marketing and Sales Practices Litigation*, and 16-mc-05, *In Re: Automotive Parts Antitrust Litigation*.

In this particular case, the attorneys in the underlying lawsuit have filed a response (dkt. 2) in opposition to Ms. Sweeney's motion, to which they have attached a copy of the February 12, 2016 Order Granting Preliminary Approval of Class Action Settlement [...], dkt. 202. That order specifically permits the attorneys to take Ms. Sweeney's deposition in the manner they have set forth in their subpoena to Ms. Sweeney. *Id.* at 7-8 (¶14). Ms. Sweeney's boilerplate objections have not persuaded this court that it should quash the subpoena or stay discovery.

ORDER

It is ORDERED that:

(1) Objector Pamela A. Sweeney's Motion To Stay Discovery / To Quash a Rule 45 Subpoena is DENIED; and

(2) Pamela A. Sweeney must comply with the Rule 45 subpoena in all respects. Failure to do so could result in the sanctions set forth in ¶14 of the Southern District of Florida's February 12, 2016 order, as well as possible contempt sanctions imposed by this court.

Entered this 10<sup>th</sup> day of May, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

1 [Submitting Counsel on Signature Page]  
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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13

14 In re LIDODERM ANTITRUST  
15 LITIGATION

Master File No. 14-md-02521-WHO

MDL No. 2521

16  
17  
18 THIS DOCUMENT RELATES TO:  
19 END-PAYOR ACTIONS

**[PROPOSED] ORDER GRANTING  
LEAVE TO CONDUCT LIMITED  
DISCOVERY OF OBJECTOR  
PAMELA SWEENEY ON EXPEDITED  
BASIS**

1 A fairness hearing on End-Payor Plaintiffs’ (“EPPs”) motion for final approval and  
2 motion for attorneys’ fees and expenses is set for September 12, 2018. On August 29, 2018, the  
3 Court received an objection from purported class member Pamela Sweeney. ECF 1035. EPPs  
4 moved on September 5, 2018 for leave to conduct limited discovery of Mrs. Sweeney on an  
5 expedited basis, including taking her deposition and requesting the production of a limited  
6 number of documents. EPPs filed a proposed deposition and document subpoena concurrently  
7 with their motion (“the Subpoena”). EPPs represented that the Defendants in this action do not  
8 take a position on the motion.

9 The Court has considered the motion, the record, and the arguments and authorities of  
10 counsel. Good cause appearing, the Court hereby Grants EPPs’ motion and orders as follows:

11 1. The Court finds the requested discovery to be relevant, reasonable, and  
12 proportional under Federal Rule of Civil Procedure 26. As EPPs have offered to take Mrs.  
13 Sweeney’s deposition in her home District (the Western District of Wisconsin), the Court also  
14 finds the potential hardship to Mrs. Sweeney to be minimal and outweighed by the needs of this  
15 case.

16 2. Mrs. Sweeney is ordered to comply with the Subpoena in all respects. The parties  
17 may negotiate alternative dates for the deposition so long as the deposition and production of  
18 documents occur as soon as reasonably practicable and in no event later than September 20,  
19 2018.

20 3. If Ms. Sweeney retains counsel prior to the deposition, she shall so notify the  
21 parties and the Court in advance of the deposition, and counsel shall enter an appearance in this  
22 case and move for admission *pro hac vice* if needed. Failure to comply with this provision shall  
23 not be reason to delay the deposition or the production of documents.

24 4. During the deposition, Ms. Sweeney may place objections as to form and  
25 relevance on the record but such objections shall not be reason to refuse to answer questions.

26 5. If Ms. Sweeney believes that a document is protected by a confidentiality or other  
27 nondisclosure agreement (a “Protected Document”), such protection shall not be a basis to  
28 refuse production. Instead, Ms. Sweeney is ordered to contact all necessary parties no later than

1 three days before production to inform them that the document is being produced in discovery  
2 pursuant to Court order. Upon production to plaintiffs, Protected Documents automatically bear  
3 the designation of “Confidential” pursuant to Section 2.2 of this Court’s Stipulated Protective  
4 Order dated May 8, 2014 (ECF 59) and may be sealed or unsealed in the ordinary course if  
5 produced to the Court.

6 6. If Ms. Sweeney believes that information elicited at her deposition is protected by  
7 a confidentiality or other non-disclosure agreement (“Protected Information”), such protection  
8 shall not be a basis to refuse to answer. Instead, Ms. Sweeney shall respond fully and designate  
9 the Protected Information as “Confidential” pursuant to Section 2.2 of the Protective Order.  
10 Thereafter, Ms. Sweeney shall notify any necessary parties of the disclosure no later than 3  
11 business days following the deposition. Protected Information may be sealed or unsealed in the  
12 ordinary course if produced to the Court.

13 7. The Court retains exclusive jurisdiction over this litigation and the parties to this  
14 litigation, including objectors, for all matters relating to this litigation, the settlements, including  
15 all matters relating to this Order. Any motion to quash the Subpoena or motion for  
16 reconsideration of this Order shall be filed in this Court and no other.

17  
18 **IT IS SO ORDERED.**

19  
20 DATED: \_\_\_\_\_  
21 THE HONORABLE WILLIAM H. ORRICK  
22 United States District Court Judge  
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