

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ENZO FORCELLATI and LISA
ROEMMICH, on Behalf of Themselves
and all Others Similarly Situated,
Plaintiffs,

v.

HYLAND'S, INC., STANDARD
HOMEOPATHIC LABORATORIES,
INC., and STANDARD HOMEOPATHIC
COMPANY,
Defendants

Case No. 2:12-CV-01983 ODW (MRW)

NOTICE OF OBJECTION

OBJECTION

Class member and objector, Ashley Hammack, (“hereinafter Objector”) objects to the class action settlement. Her address is 2813 Lavell, Wichita Falls, Texas 76308 and her phone number is (940) 867-6380. She submitted a claim form on June 12, 2017 with a claim number of 60111243001. Attached.

This Settlement is plagued with several problems. It is not fair, reasonable, and adequate as required by Federal Rule of Civil Procedure 23(e). First, class counsel has not posted its fee motion on the class action website as of the date of filing of this

objection. The Court should provide sufficient time after the full fee motion is on file to enable potential objectors to examine the motion. Fed.R.Civ.P. 23, 2003 Advisory Committee Notes, ¶ 68. The 9th Circuit has affirmed that the fee motion be available for class members to view before the objection deadline. *In re Mercury Interactive Corp. Securities Litig.*, 618 F.3d 988, 993 (9th Cir. 2010). The parties should be ordered to send out additional notice to let class members know that the fee motion is available for review and give class members additional time to submit claims, object, or opt-out.

Second, assuming that Class Counsel requested the entire \$2.9 million for attorney's fees as indicated in the Class Notice, this Court should reduce the attorney's fees to 25 percent of what the class will actually recover. "This circuit has established 25% of the common fund as a benchmark award for attorney fees." *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998). Only if the class will receive \$11.6 million or more should the attorney's fees be awarded at this high amount. Here, there is no minimum amount for the class to receive. The class could theoretically receive almost nothing and the attorneys would still receive millions. The settlement is unfair in that it gives the class attorneys no incentive to actually create a robust notice program that will encourage class members to fill out claim forms. If the claim rate is low, then additional notice should be sent to the class. In any event, the attorney's fees should be 25% of the total amount of claims.

Finally, the class representative's award is too high. The class representative should not receive \$5,000.00 when the vast majority of class members will receive less than \$20.00. The award should be reduced to \$2,500 or less.

For the foregoing reasons, the Court should deny final approval of the settlement.

Conclusion

In conclusion, this objector respectfully asks this court to reject this settlement based upon the above objections.

Dated: 6-27-17

/s/Michael Creamer



Michael Creamer, Attorney for Objector

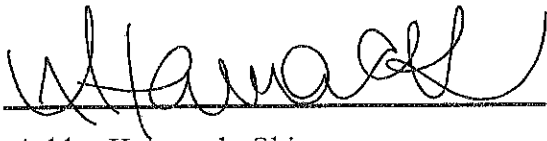
CA Bar Number 204662

PO BOX 17743

Anaheim, CA 92817

714-623-2299

I, Ashley Hammack, personally attest that I have discussed this objection with my attorney and agree with its contents. I testify under penalty of perjury that I have three young daughters and have purchased Hyland's products, including, but not limited to, Cold 'n Cough 4 Kids and Nighttime Cold 'n Cough 4 Kids during March 8, 2008 and March 30, 2017 and at Natural Grocers and other locations on multiple occasions.



Ashley Hammack, Objector

CERTIFICATE OF SERVICE

I, Michael Creamer, hereby certify that a true copy of the above document was served upon the attorneys of record for each other party through the Court's electronic filing service ECM/ECF on 6-27-17.



/s/Michael Creamer

Michael Creamer