

KRON & CARD LLP
23421 S. POINTE DR., STE. 280
LAGUNA HILLS, CA 92653-1556

1 SCOTT A. KRON, ESQ. [State Bar No. 237769]
scott@kronandcard.com
2 ANNE L. CARD, ESQ. [State Bar No. 273435]
anne@kronandcard.com
3 KRON & CARD LLP
4 A Limited Liability Partnership
23421 S. POINTE DR., STE. 280
5 LAGUNA HILLS, CA 92653-1556
Telephone: (949) 367-0520
6 Facsimile: (949) 613-8472

7 Attorney for Objector
Rhadiante Van de Voorde
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9

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12

13 SKYE ASTIANA, et al., individually
14 and on behalf of all others similarly
situated,

15 Plaintiffs,
16

17 vs.

18 KASHI COMPANY,
19

20 Defendants.

Case No.: 3:11-cv-01967-H (BGS)

CLASS ACTION

**OBJECTIONS TO PROPOSED
CLASS ACTION SETTLEMENT**

21 Class member, Rhadiante Van de Voorde, pursuant to the proposed
22 settlement makes the following statement:

- 23 a. My name is Rhadiante Van de Voorde;
- 24 b. My address is 1200 Blue Ridge Drive, Boulder Creek, CA 95006;
- 25 c. My telephone number is (831) 338-1709;
- 26 d. Neither I nor my attorney will appear at the fairness hearing;
- 27 e. I am a member of this class; and
- 28 f. I object to the proposed settlement as stated herein.

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Class member, Rhadiante Van de Voorde, pursuant to the proposed settlement makes the following objections to such settlement in this case:

OBJECTIONS

I. Claims Procedure

The release includes unnamed third parties, including joint ventures and partners, and parties that were dismissed from the Action, like Kellogg's. The release should not extend beyond the named defendants because there is no evidence that class counsel knows of the third-parties, investigated claims relating to those parties, and that the class has received value in exchange for releasing those parties. The court should narrow the release to the named defendants alone.

II. Attorney's Fees

Kashi class counsel has requested \$1,250,000 in fees and costs; however, no motion for fees and costs has been made available for the class to evaluate. The notice provides that "Class Counsel in the Bear Naked case will seek attorney expenses in an amount to be determined." The class cannot evaluate the fairness of the settlement or the reasonableness of the requested fees and costs without knowing what counsel did to prosecute the case. The court should require class counsel to provide sufficient information to evaluate the reasonableness of requested legal fees and costs.

III. Potential Recovery

The notice fails to state the total amount of potential damages. Class members cannot evaluate the reasonableness, fairness, or adequacy of the settlement if it does not know how much plaintiffs would recover if they were successful at trial. While a settlement certainly does not need to match this amount, the comparison must be made to determine fairness. The settlement agreement mentions numerous claims that were dismissed, but it does not mention which claims, specifically, are being settled.

Conclusion

For the foregoing reasons I object to the proposed class action settlement.

DATED: August 1, 2014

KRON AND CARD LLP



By: _____

SCOTT A. KRON, ESQ.
Attorney for Objector
Rhadiante Van de Voorde

OBJECTOR

Rhadiante Van de Voorde

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Conclusion

For the foregoing reasons I object to the proposed class action settlement.

DATED: August 1, 2014

KRON AND CARD LLP

By: _____

SCOTT A. KRON, ESQ.
Attorney for Objector
Rhadiante Van de Voorde

OBJECTOR


Rhadiante Van de Voorde

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Case No.: 3:11-cv-01967-H (BGS)

CERTIFICATE OF SERVICE

KRON & CARD LLP
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CERTIFICATE OF SERVICE

Astiana v. Kashi Company
United States District Court, Southern District of California
Case No.: 3:11-cv-01967-H (BGS)

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Laguna Niguel, California; my business address is 23421 S. Pointe Dr., Ste. 280, Laguna Hills, CA 92653-1556.

On the date below I served a copy, with all exhibits, of the following document(s):

OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT

on all interested parties in said case addressed as follows:

Joseph N. Kravec, Jr.
Wyatt A. Lison
Feinstein Doyle Payne & Kravec, LLC
429 Forbes Avenue
Allegheny Building, 17th Floor
Pittsburgh, PA 15219

Dean N. Panos
JENNIFER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456

XX **(Service By Mail)** By placing the document(s) in an envelope or package addressed to the persons listed above and causing such envelope, with postage thereon, fully prepaid, to be placed for deposit at 23421 S. Pointe Dr., Ste. 280, Laguna Hills, CA 92653-1556, in the United States Postal Service.

— **(Service By Federal Express or Overnight Delivery)** By depositing copies of the above document(s) in a box or other facility regularly maintained by Federal Express with delivery fees paid or provided for.

— **(Personal Service)** By placing the document(s) in an envelope or package addressed to the persons listed above and providing them to a professional messenger service for delivery.

— **(Via Electronic Transmission)** By sending a file of the above document(s) via electronic transmission (e-mail) at 5:00 p.m. using e-mail address scott@kronandcard.com to the e-mail address designated for each party identified above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed August 1, 2014 at Laguna Hills, California.



SCOTT A. KRON