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13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 SAMANTHA ELLISON, individually)
17 and on behalf of a class of similarly)
18 situated individuals,)
19 Plaintiff,)
20 v.)
21 STEVEN MADDEN, LTD., a)
22 Delaware corporation,)
23 Defendant,)
24)

CV-11-05935 PSG-AGR
**JOINT STIPULATION TO
PROVIDE NOTICE TO
CLASS OF EXTENDED
CLAIMS DEADLINE; & ORDER
WITHDRAW OF CONNORS
OBJECTION**

Hon. Philip S. Gutierrez

25 Plaintiff Samantha Ellison (“Plaintiff”), Defendant Steve Madden, Ltd.
26 (“Defendant”), and Objector Aileen Connors (“Objector”) (collectively the
27 “Parties”), by and through their undersigned counsel, hereby stipulate and agree,
28 subject approval of the Court, to provide additional notice apprising the Class of

1 the extended Claims Deadline and to the withdraw of the Objection of Aileen
2 Connors. For the reasons set forth below, good cause exists to grant this
3 stipulation:

4 WHEREAS, on August 1, 2012, Plaintiff filed the Class Action Settlement
5 Agreement with the Court accompanied by a Motion for Preliminary Approval.
6 (Dkts. 41; 41-1.)

7 WHEREAS, pursuant to the Class Action Fairness Act (“CAFA”), 28
8 U.S.C. § 1715 and the Settlement Agreement, Defendant was to serve notice to the
9 required State Attorneys General, the Attorney General of the United States, and
10 other required officials no later than August 11, 2012. CAFA provides that the
11 Court may not enter an order giving final approval to the proposed settlement until
12 90 days after CAFA notice has been served. 28 U.S.C. §1715(d).

13 WHEREAS, the Settlement Agreement and the Court’s Order granting
14 preliminary approval provide that the deadline for Class Members to file claims
15 (the “Claims Deadline”) as a date forty-five days after the entry of the final
16 judgment. (Dkts. 41-1 § 1.5; 45, pg. 12 ¶ 7.) The Court scheduled the Final
17 Fairness Hearing for February 25, 2013. (Dkt. 48.)

18 WHEREAS, the Court approved Summary Notice sent to Class provided a
19 Claims Deadline of April 11, 2013, based on the Final Approval Hearing occurring
20 on February 25, 2013. (Dkt. 56-7.)

21 WHEREAS, on January 8, 2013, Objector filed Objections to the Settlement
22 Agreement, wherein she stated that re-noticing the Class would satisfy several of
23 the concerns raised. (Dkt. 53, pg. 6: 11-19.)

24 WHEREAS, due to an error, Defendant inadvertently failed to provide
25 CAFA notice by August 11, 2012. Upon learning of the error, Defendant served
26 the required CAFA notice on January 28, 2013. (*See* Notice of Belated
27 Compliance with CAFA, Dkt. 59.)

28 WHEREAS, on February 15, 2013, Plaintiff and Defendant filed a

1 Stipulation to move the Final Approval Hearing from February 25, 2013, until
2 April 29, 2013 to allow the full 90 days to pass between providing the require
3 notice an the Final Approval Hearing as required by CAFA.

4 WHEREAS, after Defendant filed the Notice of Belated Compliance with
5 CAFA with the Court, Objectors and Class Counsel met to discuss issues related to
6 providing notice of the new Claims Deadline to the Class. Objector agreed that in
7 exchange for providing additional notice by email of the extended Claims Deadline
8 necessitated by the continuance of the Final Fairness Hearing, they would
9 withdraw their objection and cease all activities related to he Objection. Objector
10 now believes the Settlement Agreement to be fair, reasonable, and adequate.

11 WHEREAS, the Parties agreed, subject to approval of the Court, that the
12 notice attached hereto as Exhibit A will be provided to each of the 299,283 email
13 addresses in possession of the Settlement Administrator. In addition, the Claims
14 Deadline on the Settlement Website www.MaddenTextSettlement.net has been
15 changed to June 11, 2013.

16 WHEREAS, Plaintiff and Defendant agree that by insisting that additional
17 notice of the reset Claims Deadline be provided to the Class via email that
18 Objector's counsel provided a benefit to the Class Members and shall be paid
19 \$100,000 for their efforts on behalf of the Class. Such funds are to be paid by
20 Defendant from the Settlement Fund.

21 WHEREAS, based upon the claims made by Class Members, including the
22 additional claims to be made as a result of the extension of the Claims Deadline,
23 the Parties believe that the compensation to be paid to Objector's counsel shall not
24 diminish the value of any valid claim submitted by a Class Member.

25 WHEREAS, the Parties request that the Court approve the withdraw of her
26 objection and the prior objection of Constance Giratos.

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IT IS SO STIPULATED.

Dated: March 12, 2013

Respectfully submitted,

EDELSON LLC

By: /s/ Jay Edelson

Jay Edelson

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*Attorney for Plaintiff Samantha Ellison
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Dated: March 12, 2013

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1 Dated: March 12, 2013

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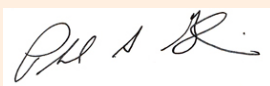
23 **IT IS SO ORDERED.**
24 **DATED: March 13, 2013**
25 
26 _____
27 **U.S. DISTRICT JUDGE**
28

Exhibit A

From: Steve Madden Settlement Administrator
Sent: Monday, March 18, 2013 10:55 AM
To: Class Member, John Q.
Subject: Court Approved Final Notice of Steve Madden Class Action Settlement

IF YOU WERE SENT A TEXT PROMOTING STEVE MADDEN'S PRODUCTS OR EVENTS, YOU COULD RECEIVE \$150 FROM A CLASS ACTION SETTLEMENT.

Para una notificación en Español, visítate www.MaddenTextSettlement.net.

This notice is being sent to inform you of new deadlines in a proposed class action Settlement in a lawsuit over allegedly unsolicited text messages sent to consumers' cell phones, advertising and promoting Defendant Steve Madden's products and events. The Defendant denies it violated any law, and the Court has not determined who is right. The parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

How Do I Know if I am a Class Member?

The Settlement Class includes all persons who received an unsolicited text message advertising Steve Madden's products or events between July 2010, and September 25, 2012. **Our records indicate you may have been sent a text message covered by the Settlement.**

What Can I Get From the Settlement?

If you are a Class Member, and the Court approves the Settlement, you are entitled to receive a \$150 payment, or a lesser proportionate amount if the expenses, fees, incentive award, and claims exceed the \$10,000,000 Settlement Fund created by the Defendant. The Settlement also requires Steve Madden to make certain changes to its business practices.

How Do I Submit a Claim for Payment?

To qualify for a \$150 payment, you must submit a timely and properly completed Claim Form signed under penalty of perjury. You may also file your claim online at www.MaddenTextSettlement.net. The new deadline by which Claim Forms must be signed and postmarked, or submitted through the Settlement website, is **June 11, 2013**. Please visit www.MaddenTextSettlement.net for all current information. **If you have already filed a claim, you do not need to do anything.**

Other Important Dates.

The deadline to exclude yourself or object to the Settlement has passed. The Court has rescheduled the hearing to consider the fairness of the Settlement to **April 28, 2013**. Detailed information about the Settlement is available www.MaddenTextSettlement.net.

www.MaddenTextSettlement.net □ 1-888-643-2166