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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE: BLUE BUFFALO COMPANY,
LTD. MARKETING AND SALES
PRACTICES LITIGATION**

Case No. 4:14-MD-2562-RWS

**OBJECTION TO THE
PROPOSED SETTLEMENT**

TO THE HONORABLE RODNEY W. SIPPEL:

Gary Sibley ("Objector") is a member of the class and objects to the Settlement and files this Objection to the Class Action Settlement that is currently before the Court for the following reasons:

1. Gary Sibley, hereinafter "Sibley" is a member of the class and has for years purchased Blue Buffalo products specifically Wilderness Rocky Mountain Recipes Adult Bison in the 22 pound bag for my giant schnauzer dogs. I purchased Blue Buffalo products during the entire time of the period from Petco. I estimate that I bought at least two bags per year for a total of at least 16 bags and although the price has changed over the years I believe I have spent at least \$600 for the product. For the deceptive conduct of Blue Buffalo my entire recovery will be a maximum of ten dollars which does not even cover the cost of one bag of the product. I have submitted a claim and my claim number is 3085918776264.
2. My address is 2711 N. Haskell, Suite 550, Dallas, Texas 75204.
3. I object to the settlement and do not request to speak to the Court at the Fairness Hearing nor do I expect to attend the hearing, but I request the Court to consider my objection.

3. Objection to Injunctive Relief:

(a) The value of the injunctive relief is minimal. The following factors should be considered:

- (1) How much is the injunction worth to the class as a practical matter?
- (2) What is the real cost to Blue Buffalo?
- (3) Does the injunction do anything more than restate the obligation that Blue Buffalo has under existing law.

I would submit that the answers to the listed above are:

- (1) Very little.
- (2) Not much.
- (3) No.

(b) The class members are receiving minimal economic benefits and the end of the claim period is the same as the deadline for objecting or opting out. By the time of the Fairness Hearing it should be known how many claims have been filed and what payout a class member may expect. It is certain that most of the claims will be submitted without proof of purchase or receipts.

While it is certainly true, that settlements of class actions are to be favored, it is not the Court's task to simply rubber-stamp a settlement. The court must thoroughly review the proposed settlement. Some court's have gone so far as to name the district judge in the settlement phase of the class action suit as a fiduciary of the class and to impose the high duty of care that the law requires of a fiduciary. *Reynolds v. Beneficial National Bank*, 288 F.3d 277, 280 (7th Cir. 2002).

Likewise, as class counsel suggests, that the benefits of settlement v. continued litigation must be considered in approving or rejecting the settlement. This settlement is not fair, reasonable or adequate to the class members who are giving up much and receiving little.

4. Objection to Requested Award of Attorneys' Fees

(a) The Court should reduce the requested award of attorneys' fees substantially.

(b) The Court should base the attorneys' fees on 20% of the actual class recovery.

(c) I object to the attorneys' fees award in this case because it amounts to unjust enrichment. Although 25% is a 'benchmark,' the actual recovery should depend on the work expended, the time consumed and the results obtained.

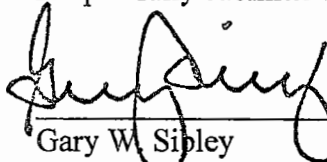
While class counsel will make every effort to make their fees appear reasonable, it is incumbent on the court to make this decision in a common fund case. The case has been settled and the Court, serving as a fiduciary for the absent class, must critically examine class counsel's application and award no more than what is absolutely required to provide reasonable compensation to class counsel. While 25% of the common fund for attorneys' fees is the accepted starting point, the District court can depart from that standard. As of the date of the drafting of this Objection there is no motion for fees on the settlement website. Therefore it is impossible to determine of eight million dollars is a fair fee. The District Court should cross check the fee request using the Lodestar method and the expenses should be included in the percentage and not added above the fee.

5. I wish to incorporate in this objection the valid objections made by other objectors.

RELIEF

I request the Court to reject the settlement or, in the alternative, reduce the amount of attorney's fees

Respectfully submitted,



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ATTORNEY FOR SARA SIBLEY AND
JUDITH BROWN

CERTIFICATE OF SERVICE

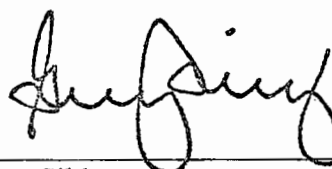
I hereby certify that a true and correct copy of the foregoing Objection was forwarded this 11th day of April, 2016, to the parties listed below:

Clerk of the Court
U.S. District Court
Eastern District of Missouri
111 So. 10th Street
St. Louis, Missouri 63102

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Gary Sibley.

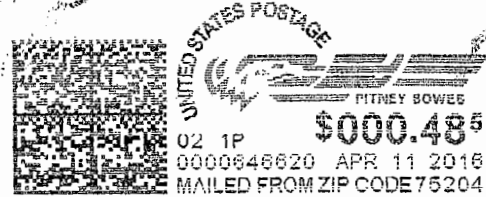
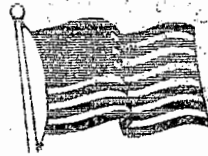


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THE SIBLEY FIRM

Attorneys and Counselors

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