

1 SANFORD L. MICHELMAN (SBN 179702)
smichelman@mrllp.com
2 **MICHELMAN & ROBINSON, LLP**
10880 Wilshire Blvd., 19th Floor
3 Los Angeles, CA 90024
Telephone: (310) 564-2670
4 Facsimile: (310) 564-2671

5 MONA Z. HANNA (SBN 131439)
mhanna@mrllp.com
6 JENNIFER A. MAURI (SBN 276522)
jmauri@mrllp.com
7 **MICHELMAN & ROBINSON, LLP**
17901 Von Karman Avenue, 10th Floor
8 Irvine, CA 92614
Telephone: (714) 557-7990
9 Facsimile: (714) 557-7991

10 Attorneys for Plaintiffs
11 DAVID LOWERY, VICTOR KRUMMENACHER,
12 GREG LISHER, AND DAVID FARAGHER

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 DAVID LOWERY, VICTOR
16 KRUMMENACHER, GREG LISHER, and
17 DAVID FARAGHER, individually and on
behalf of themselves and all others similarly
situated,

18 Plaintiffs,

19 v.

20 RHAPSODY INTERNATIONAL, INC.

21 Defendant.
22
23
24

Case No.: 4:16-cv-01135-JSW

Hon. Jeffrey S. White
Hon. Jacqueline Scott Corley, Magistrate

~~PROPOSED~~ **ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL**

Complaint Filed: March 7, 2016

~~[PROPOSED]~~ ORDER

1
2 Before the Court is Plaintiffs David Lowery, Victor Krummenacher, Greg Lisher, and
3 David Faragher (collectively “Plaintiffs”) Unopposed Motion For Preliminary Approval of
4 Class Settlement. The Court, having considered the papers, grants Plaintiffs’ Motion and
5 hereby orders that:

- 6
- 7 1. The Settlement Agreement between Plaintiffs and Rhapsody International, Inc.
8 (“Defendant” or “Rhapsody”), dated January 16, 2019, is preliminarily approved on
9 the grounds that its terms are sufficiently fair, reasonable, and adequate for notice to
10 be issued to the class;
 - 11
 - 12 2. The proposed settlement class, defined as “Owners of mechanical distribution and/or
13 reproduction rights in Qualifying Registered Works and Qualifying Unregistered
14 Works that were made available or played on the Rhapsody music service in the
15 United States during the period from March 7, 2013 until February 15, 2019” is
16 certified for settlement purposes only;
 - 17
 - 18 3. The form and content of the proposed class notice and notice plan are preliminary
19 approved;
 - 20
 - 21 4. The form and content of the claims form is preliminary approved;
 - 22
 - 23 5. The deadline for class members to object to the settlement is _____ ~~(sixty (60)~~
24 days after the date of the instant order granting preliminary approval);
 - 25
 - 26 6. The deadline for class members to opt-out of the settlement is _____ ~~(sixty~~
27 (60) days after the date of the instant order granting preliminary approval);
 - 28

1 7. Michelman and Robinson, LLP is appointed to represent the class as class counsel;

2
3 8. Heffler Claims Group, LLC is appointed as Settlement Administrator;

4
5 9. The hearing on final approval of the proposed settlement, Class Counsel's request for
6 attorneys' fees and costs, and enhancement payments to the named Plaintiffs is
7 scheduled for March 13, 2020 at 9:00a.m.

8
9 **IT IS SO ORDERED.**

10
11 Dated: March 21, 2019



THE HONORABLE JEFFREY S. WHITE
United States District Court Judge