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*Attorneys for Defendant Intuit Inc.*

18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21  
22 IN RE INTUIT DATA LITIGATION

Case No. 15-CV-1778-EJD

23  
24 THIS DOCUMENT RELATES TO:

**STIPULATION AND [~~PROPOSED~~] ORDER  
RE MODIFICATION TO SCHEDULE**

25 **ALL ACTIONS**

Honorable Edward J. Davila

1 WHEREAS, on October 4, 2018, the Court entered an Order Granting Preliminary  
 2 Approval of Class Action Settlement (“Preliminary Approval Order”) (Dkt. No. 173), which  
 3 among other things, provisionally certified, for settlement purposes only, a class consisting of  
 4 “All persons in the United States in whose identities fraudulent federal tax returns for the Tax  
 5 Years 2014, 2015, and/or 2016 were filed using TurboTax, as determined by the United States  
 6 Internal Revenue Service. Excluded from the Class are all employees of Intuit, counsel for the  
 7 Parties, the Judge presiding over this Action, and Court staff.”

8 WHEREAS, the Preliminary Approval Order provides for e-mail notice of the proposed  
 9 settlement to class members who, according to Intuit’s records, are current or former TurboTax  
 10 customers (“Customer Class Members”);

11 WHEREAS, the Preliminary Approval Order provides that Intuit shall provide the  
 12 Settlement Administrator with data files containing the following information regarding  
 13 Customer Class Members (“Customer Class List”): (i) name and (ii) last known email address in  
 14 Intuit’s records;

15 WHEREAS, the Preliminary Approval Order provides for mail notice of the proposed  
 16 settlement to class members who, according to Intuit’s records, have never been TurboTax  
 17 customers (“Non-Customer Class Members”) after attempting to identify their mailing addresses  
 18 through reverse look-up (*i.e.*, skip tracing);

19 WHEREAS, the Preliminary Approval Order provides that Intuit shall provide the Skip  
 20 Trace Provider with data files containing the following information regarding Non-Customer  
 21 Class Members (“Non-Customer Class List”): (i) name and (ii) Social Security Number(s);

22 WHEREAS, the Preliminary Approval Order provides for the following dates and  
 23 deadlines:

24 Last day for Intuit to provide the Class List to the Settlement Administrator and Skip Trace 25 Provider	7 days after entry of Preliminary Approval Order ( <i>i.e.</i> , October 11, 2018)
26 Notice Deadline	21 days after entry of the Preliminary Approval Order ( <i>i.e.</i> , October 25, 2018)
27 Last day for: (a) Plaintiffs to file motion for 28 final approval of the Settlement; and (b) Class Counsel to file their application for attorneys’	24 days after Notice Deadline ( <i>i.e.</i> , November 19, 2018)

1	fees, costs, and Plaintiff service awards	
2	Objection Deadline	45 days after Notice Deadline ( <i>i.e.</i> , December 10, 2018)
3	Credit Monitoring Enrollment Deadline	60 days after Notice Deadline ( <i>i.e.</i> , December 24, 2018)
4		
5	Last day for the Parties to file any responses to objections, and any reply papers in support of motion for entry of final approval of the Settlement and/or Class Counsel's application for attorneys' fees, costs, and Plaintiff service awards	14 days before Final Approval Hearing ( <i>i.e.</i> , December 27, 2019)
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7		
8		
9	Final Approval Hearing	January 10, 2019 at 10:00 am

10 WHEREAS, Intuit encountered unforeseen technical difficulties, which impacted Intuit's  
11 ability to timely compile the Class List, necessitating an adjustment to the above schedule;

12 WHEREAS, Intuit has now compiled the Class List and is in a position to provide same,  
13 pursuant to the proposed modified schedule set forth below, for purposes of disseminating class  
14 notice;

15 WHEREAS, Intuit does not have a direct contractual relationship with the Skip Trace  
16 Provider, and therefore wishes to provide the Non-Customer Class List, including such  
17 information that may be subject to 26 U.S.C. § 7216, to the Settlement Administrator to provide  
18 to the Skip Trace Provider pursuant to the terms of their contract (rather than Intuit providing the  
19 Non-Customer Class List directly to the Skip Trace Provider, as had been provided in the  
20 Preliminary Approval Order);

21 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the  
22 parties, that:

23 1. The dates and deadlines set by the Preliminary Approval Order be modified as  
24 follows, subject to Court approval:

25	Last day for Intuit to provide the Class List to the Settlement Administrator and Skip Trace Provider	November 7, 2018, or 1 day after entry of this Proposed Order, whichever is later
26		
27	Notice Deadline	November 21, 2018, or 15 days after entry of this Proposed Order, whichever is later
28		

1 2 3	Last day for: (a) Plaintiffs to file motion for final approval of the Settlement; and (b) Class Counsel to file their application for attorneys' fees, costs, and Plaintiff service awards	December 17, 2018, or 24 days after Notice Deadline, whichever is later
4	Objection Deadline	January 7, 2019, or 45 days after Notice Deadline, whichever is later
5 6	Credit Monitoring Enrollment Deadline	January 21, 2019, or 60 days after Notice Deadline, whichever is later
7 8 9	Last day for the Parties to file any responses to objections, and any reply papers in support of motion for entry of final approval of the Settlement and/or Class Counsel's application for attorneys' fees, costs, and Plaintiff service awards	January 24, 2019 ( <i>i.e.</i> , 14 days before Final Approval Hearing)
10	Final Approval Hearing	February 7, 2019 at 10:00 am

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12           2.       Intuit is hereby authorized and directed to provide the Non-Customer Class List,  
13 including such information that may be subject to 26 U.S.C. § 7216, to the Settlement  
14 Administrator. The Settlement Administrator is authorized and directed to provide the Non-  
15 Customer Class List, including such information that may be subject to 26 U.S.C. § 7216, to the  
16 Skip Trace Provider.

17 Dated: November 5, 2018

Respectfully Submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Roger N. Heller

Michael W. Sobol

Roger N. Heller

Melissa A. Gardner

*Attorneys for Plaintiffs and the Proposed Class*

23 Dated: November 5, 2018

Respectfully Submitted,

FENWICK & WEST LLP

By: /s/ Rodger R. Cole

Rodger R. Cole

Alexis Caloza

Chieh Tung

*Attorneys for Defendant Intuit Inc.*

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**ECF CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: November 5, 2018

By: /s/ Rodger R. Cole  
Rodger R. Cole

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 6, 2018



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Honorable Edward J. Davila  
United States District Judge