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Attorneys for Defendant Intuit Inc.

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

23 IN RE INTUIT DATA LITIGATION

Case No. 15-CV-1778-EJD-SVK

24
25 THIS DOCUMENT RELATES TO:
26 **ALL ACTIONS**

**STIPULATION AND [~~PROPOSED~~] ORDER
RE ADDITIONAL IDENTIFIED CLASS
MEMBERS AND NECESSARY
MODIFICATION TO SCHEDULE**

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 preliminarily approved the parties’ proposed class settlement and provisionally certified, for
 4 settlement purposes only, a Class consisting of “All persons in the United States in whose
 5 identifies fraudulent federal tax returns for the Tax Years 2014, 2015, and/or 2016 were filed
 6 using TurboTax, as determined by the United States Internal Revenue Service. Excluded from
 7 the Class are all employees of Intuit, counsel for the Parties, the Judge presiding over this
 8 Action, and Court staff.”

9 WHEREAS, the Preliminary Approval Order provides for direct e-mail and mailed notice
 10 of the proposed settlement to class members and the establishment of a Settlement Website and
 11 Toll-Free Number, and set certain deadlines in connection with settlement approval proceedings,
 12 including deadlines for class members to object and to enroll in the credit monitoring services
 13 provided under the proposed settlement;

14 WHEREAS, on November 6, 2018, by stipulated request of the parties, the Court entered
 15 an order (the “Modified Scheduling Order”; Dkt. No. 179) modifying the schedule set by the
 16 Preliminary Approval Order. This modification was necessitated by unexpected delays that Intuit
 17 encountered in compiling the Class List. The schedule under the Modified Scheduling Order,
 18 which is currently the operative schedule, is as follows:

20 Last day for Intuit to provide the Class List to the Settlement Administrator and Skip Trace Provider	November 7, 2018
22 Notice Deadline	November 21, 2018
23 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
25 Objection Deadline	January 7, 2019
26 Credit Monitoring Enrollment Deadline	January 21, 2019 ¹

27
 28 ¹ Intuit agreed to extend the credit monitoring services enrollment deadline by one day, to January 22, 2019, because January 21, 2019 is a national holiday.

<p>1 Last day for the Parties to file any responses to 2 objections, and any reply papers in support of 3 motion for entry of final approval of the 4 Settlement and/or Class Counsel's application for attorneys' fees, costs, and Plaintiff service awards</p>	<p>January 24, 2019 (<i>i.e.</i>, 14 days before Final Approval Hearing)</p>
<p>5 Final Approval Hearing</p>	<p>February 7, 2019 at 10:00 am</p>

6 WHEREAS, pursuant to the Modified Scheduling Order, Intuit provided the Settlement
7 Administrator with a Class List, and the Settlement Administrator disseminated email and mail
8 notice to 846,816 class members included in the Class List (*See* Keough Decl., Dkt. No. 185-7)

9 WHEREAS, the parties have discovered that the Class List did not include all of the filers
10 in the Class definition, and approximately 199,167 class members (hereinafter, the "Additional
11 Class Members") were inadvertently excluded from the Class List provided to the Settlement
12 Administrator;

13 WHEREAS, a modification of the existing schedule is therefore necessary: (a) to permit
14 sufficient time for providing notice to the Additional Class Members, in the same manner as
15 notice was provided to the rest of the class; and (b) to provide Additional Class Members the
16 same amount of time as the rest of the class to object and/or to enroll in the credit monitoring
17 services provided under the proposed settlement;

18 WHEREAS, the parties accordingly jointly propose the below procedure and modified
19 schedule for the remaining proceedings:

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

22 1. Intuit shall provide the Settlement Administrator and Skip Trace Provider with a
23 Supplemental Class List, containing the same respective categories of information as the Class
24 List, for the Additional Class Members. With respect to those Additional Class Members who are
25 Non-Customer Class Members, Intuit is authorized and directed to provide their information,
26 including such information that may be subject to 26 U.S.C. § 7216, to the Settlement
27 Administrator. The Settlement Administrator, in turn, is authorized and directed to provide such
28 information, including such information that may be subject to 26 U.S.C. § 7216, to the Skip

1 Trace Provider.

2 2. The Settlement Administrator shall send notice to Additional Class Members in
3 the same manner as was used for the other class members—i.e., email notice for Customer Class
4 Members, and skip trace and mail notice for Non-Customer Class Members.

5 3. The following dates and deadlines set by the Modified Scheduling Order (Dkt. No.
6 179) shall be supplemented and modified as follows, subject to Court approval:

8 Last day for Intuit to provide the Supplemental 9 Class List to the Settlement Administrator and Skip Trace Provider	14 days after entry of this Order [Day 14]
10 Last day for the Settlement Administrator to 11 send notice to the Additional Class Members ("Additional Class Member Notice Deadline")	28 days after entry of this Order [Day 28]
12 Objection Deadline for Additional Class 13 Members	45 days after Additional Class Member Notice Deadline [Day 73]
14 Credit Monitoring Enrollment Deadline	60 days after Additional Class Member Notice Deadline [Day 88]
15 Last day for the Parties to file any responses to 16 objections, and any reply papers in support of 17 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
18 Final Approval Hearing	May 9, 2019 at 9:00 a.m.

19
20 4. Except as set forth in the revised schedule immediately above, all dates and
21 deadlines set by the Modified Scheduling Order (Dkt. No. 179) shall remain in effect for the
22 parties and class members.

23 5. By no later than three (3) business days after entry of this Order, the Settlement
24 Administrator shall revise the Settlement Website and Toll-Free Number to clearly identify that
25 the Final Approval Hearing date has changed, the new Final Approval Hearing date and credit
26 monitoring enrollment deadline, and the objection deadline for the Additional Class Members,
27 and that the remaining dates and deadlines remain in effect.
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Dated: January 12, 2019

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

Dated: January 12, 2019

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: January 12, 2019

By: /s/ Roger N. Heller _____

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 14, 2019



Honorable Edward J. Davila
United States District Judge