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F I L E D

Clerk of the Superior Court

JUL 18 2007

By: BARBARA JARRATT, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

VINCENT FINCH, an individual, on
behalf of himself, and on behalf of all
persons similarly situated,

Plaintiffs,

v.

LAMPS PLUS, INC., a California
Corporation, and DOES 1 to 100,
Inclusive,

Defendants.

Case No. GIC 875385

[Assigned to the Honorable John S. Meyer]

CLASS ACTION

**STIPULATION OF ALL PARTIES
AMENDING AND CORRECTING
ORDER RE PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

**[Proposed Amended and Corrected
Order Attached Hereto]**

[Complaint Filed: November 9, 2006]
Trial Date: November 9, 2007

1 Plaintiff Vincent Finch ("Plaintiff"), on behalf of himself and the Settlement
2 Class, and Lamps Plus, Inc. ("LPI") by their undersigned counsel of record, hereby
3 stipulate and agree as follows:
4

5 1. On July 17, 2007, the Court held a hearing on Plaintiff's application
6 for preliminary approval of class settlement. At the conclusion of the hearing, the Court
7 entered an Order Preliminarily Approving Class Action Settlement (the "July 17, 2007
8 Order"). Paragraph 4 of the July 17, 2007 Order defines the Settlement Class as:

9

10 Those consumers in California who were required by
11 Defendant Lamps Plus, Inc. ("LPI") to provide personal
12 identification information in connection with a credit card
13 transaction in violation of California Civil Code Section
14 1747.08(a) between November 9, 2002 and July 17, 2007.

15

16 2. At the hearing, counsel for defendant LPI stated that this lawsuit also
17 involves claims that customers of LPI were requested by LPI to provide personal
18 identification information allegedly in violation of California Civil Code Section
19 1747.08(a) ("Song Beverly"), and such claims are also being settled, and the Court
20 indicated that it understood this.

21

22 3. The Complaint filed by Finch includes allegations that he was
23 requested by LPI to provide personal information in violation of Song Beverly.

24

25

26 4. Song Beverly provides, in pertinent part, as follows:

27

28

"(a) Except as provided in subdivision (c), no person, firm,
partnership, association, or corporation that accepts credit cards
for the transaction of business shall do any of the following:

(1) Request, or require as a condition to accepting the credit

card as payment in full or in part for goods or services, the

1 cardholder to write any personal identification information
2 upon the credit card transaction form or otherwise.

3 (2) Request, or require as a condition to accepting the credit
4 card as payment in full or in part for goods or services, the
5 cardholder to provide personal identification information,
6 which the person, firm, partnership, association, or corporation
7 accepting the credit card writes, causes to be written, or
8 otherwise records upon the credit card transaction form or
9 otherwise.

7 (3) Utilize, in any credit card transaction, a credit card form
8 which contains preprinted spaces specifically designated for
9 filling in any personal identification information of the
10 cardholder.

10 Civ. Code, § 1747.08(a).

11
12 5. It was the intention of the parties, as evidenced by the provisions of
13 the Settlement Agreement and the injunctive relief to which they have agreed that the class
14 definition include all California consumers who were "requested" by LPI to provide
15 personal information in connection with a credit card transaction.
16

17
18 6. Accordingly, the parties have stipulated and agreed that the class
19 definition should read as follows:

20 Those consumers in California who were requested and/or
21 required by Defendant Lamps Plus, Inc. ("LPI") to provide
22 personal identification information in connection with a credit
23 card transaction in violation of California Civil Code Section
24 1747.08(a) between November 9, 2002 and July 17, 2007.

25 7. Attached hereto as Exhibit "A" is a proposed Amended and Corrected
26 Order Preliminarily Approving Class Action Settlement. This Amended and Corrected
27 Order changes the class definition in paragraph 4 of the order, as set forth herein, and in
28 paragraph 15 of the Order there is language to make it clear that this Amended and

1 Corrected Order supersedes in its entirety, *nunc pro tunc*, the Court's earlier Order of July
2 17, 2007. Otherwise, this Amended and Corrected Order reads the same as the Court's
3 earlier order signed July 17, 2007. The parties hereto stipulate and agree that this
4 Amended and Corrected Order should be signed and filed by the Court, for the reasons set
5 forth in this Stipulation.

6
7 **SO STIPULATED.**

8
9 Dated: July 18, 2007

10 BLUMENTHAL & NORDREHAUG

11
12 By 

13 **NORMAN B. BLUMENTHAL**
14 Attorneys for
15 **PLAINTIFF VINCENT FINCH AND
SETTLEMENT CLASS**

16 2255 Calle Clara
17 La Jolla, CA 92037
18 Telephone: 858-551-1223
Facsimile: 858-551-1232

19 Dated: July _____, 2007

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21
22 By _____

23 **PHILLIP A. DAVIS**
24 Attorneys for
25 **DEFENDANT LAMPS PLUS, INC.**

26 333 South Hope Street, 48th Floor
27 Los Angeles, CA 90071
28 Telephone: 213-620-1780
Facsimile: 213-620-1398

1 Corrected Order supersedes in its entirety, *nunc pro tunc*, the Court's earlier Order of July
2 17, 2007. Otherwise, this Amended and Corrected Order reads the same as the Court's
3 earlier order signed July 17, 2007. The parties hereto stipulate and agree that this
4 Amended and Corrected Order should be signed and filed by the Court, for the reasons set
5 forth in this Stipulation.

6
7 **SO STIPULATED.**

8
9 Dated: July 19, 2007

10 BLUMENTHAL & NORDREHAUG

11
12 By 

13 **NORMAN B. BLUMENTHAL**

14 Attorneys for

15 **PLAINTIFF VINCENT FINCH AND
16 SETTLEMENT CLASS**

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21 Dated: July 18, 2007

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23 By 

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