

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

JUL 06 2006

By: PATRICIA F. LEGLER, Deputy  
CSR #  
CSR #

DATE: July 6, 2006

REPORTER A: Not Reported  
REPORTER B:

PRESENT HON. PATRICIA YIM COWETT,  
JUDGE,

CLERK: Patricia Legler  
BAILIFF: None Assigned

REPORTER'S ADDRESS: P. O. Box 120128  
San Diego, CA 92112-4104

GIC 834348 HOHNBAUM vs. BRINKER RESTAURANT CORPORTION

MINUTE ORDER

The Court, having taken the matter under submission, rules as follows:

The Court grants plaintiffs' motion for class certification.

Code of Civil Procedure section 382 states in relevant part, "when the question is one of a common or general interest, of many persons, or when the parties are numerous, and it is impracticable to bring them all before the court, one may sue or defend for the benefit of all." Two essential prerequisites to a class certification are an ascertainable class and a well defined community of interest in the questions of law and fact. (*Daar v. Yellow Cab*, (1967) 67 Cal.2d 695, 704.) "The community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (*Richmond v. Dart Industries*, (1981) 29 Cal.3d 462, 470.)

**There is an ascertainable class.**

The class is ascertainable by the fact it is adequately described and there is a list of potential class members.

**Joinder is impracticable.**

In *Chance v. Superior Court*, (1962) 58 Cal.2d 275, 291, the Court held that 2,000 members of a class made it impracticable to bring them all before the court. This class is estimated to be between 45,000 and 60,000 people.

**Common issues predominate over individual issues.**

"[T]he determination of the question whether a class action is appropriate will depend upon whether the common questions are sufficiently pervasive to permit adjudication in a class action rather than in a multiplicity of suits." (*Vasquez v. Superior Court of San Joaquin County*, (1971) 4 Cal.3d 800, 810.) Here, common questions regarding the meal and rest period breaks are sufficiently pervasive to permit adjudication in this one class action.

Defendant's arguments regarding the necessity of making employees take meal and rest periods actually points toward a common legal issue of what defendant must do to comply with the Labor Code. Although

a determination that defendant need not force employees to take breaks may require some individualized discovery, the common alleged issues of meal and rest violations predominate.

### **Superiority.**

“A class action should be certified only if it will provide substantial benefits both to the courts and the litigants.” *Washington Mutual Bank v. Superior Court*, (2001) 24 Cal.4<sup>th</sup> 906, 914.) Adjudicating plaintiffs’ allegations in one litigation is much more efficient than defendant’s suggestion that each aggrieved employee file a claim with the DLSE. Further, this action is superior to returning to the Los Angeles Superior Court for these plaintiffs who seek damages, not solely further injunctive relief.

### **Limitation.**

This is not the proper motion to challenge the statute of limitations applicable to the proposed class. If the Supreme Court decides the issue of whether Labor Code section 226.7 provides a wage or penalty, then perhaps this issue should be revisited.

## **OBJECTIONS**

### **Plaintiff’s Objections**

The Court denies the motion to strike defendants’ 638 declarations and 433 “statements against interest.”

The Court denies the motion to strike the declaration of Dr. Kelly.

The Court denies the motion to strike the manager declarations.

1. The Court overrules objection to the declaration of Virginia Morrison, ¶ 1, lines 7-9.
2. The Court overrules objection to the declaration of Virginia Morrison, ¶ 3.
3. The Court overrules objection to the declaration of Virginia Morrison, ¶ 4, line 22.
4. The Court overrules objection to the declaration of Virginia Morrison, ¶ 4, line 24.
5. The Court overrules objection to the declaration of Virginia Morrison, ¶ 5, line 25.
6. The Court overrules objection to the declaration of Virginia Morrison, ¶ 5, lines 26-27.
7. The Court overrules objection to the declaration of Virginia Morrison, ¶ 6, lines 5-8.
8. The Court overrules objection to Exhibit A to the declaration of Virginia Morrison.
9. The Court overrules objection to the declaration of Virginia Morrison, ¶ 9, line 21.
10. The Court overrules objection to the declaration of Virginia Morrison, ¶ 10, line 25.
11. The Court overrules objection to the declaration of Virginia Morrison, ¶ 11, line 1.
12. The Court overrules objection to the declaration of Virginia Morrison, ¶ 12, line 6.
13. The Court overrules objection to Exhibit B to the declaration of Virginia Morrison.
14. The Court overrules objection to Exhibit D to the declaration of Virginia Morrison.
15. The Court overrules objection to Exhibit E to the declaration of Virginia Morrison.
16. The Court overrules objection to Exhibit F to the declaration of Virginia Morrison.
17. The Court overrules objection to Exhibit G to the declaration of Virginia Morrison.
18. The Court overrules objection to Exhibit H to the declaration of Virginia Morrison.
19. The Court overrules objection to the declarations of Store Managers.

Objections to the Declaration of Sharon Kelly.

1. The Court overrules objection to ¶ 2(a), lines 22-27.
2. The Court overrules objection to ¶ 2(b), lines 22-27.
3. The Court sustains objection to ¶ 3, lines 11-19.
4. The Court overrules objection to ¶ 4, lines 23-27, 1-2.
5. The Court overrules objection to ¶ 5, lines 5-6.
6. The Court overrules objection to ¶ 6, lines 9-18.
7. The Court overrules objection to ¶ 7, lines 20-26.
8. The Court overrules objection to ¶ 8, lines 1-5.
9. The Court overrules objection to ¶ 10, lines 10-26, 1-7.
10. The Court overrules objection to ¶ 12, lines 25-27.
11. The Court overrules objection to ¶ 13, lines 1-5.
12. The Court overrules objection to Exhibit B.
13. The Court overrules objection to Exhibit C.
14. The Court overrules objection to Exhibit D.
15. The Court overrules objection to Exhibit E.

Objections to the Declaration of Theresa McCaslin.

1. The Court sustains objection to Exhibit A.
2. The Court sustains objection to Exhibit B.
3. The Court sustains objection to Exhibit C.
4. The Court sustains objection to Exhibit D.
5. The Court sustains objection to Exhibit E.
6. The Court sustains objection to Exhibit F.
7. The Court sustains objection to Exhibit G.
8. The Court sustains objection to Exhibit H.

Objections to Declaration of Alicia Getchell.

1. The Court sustains objection to ¶ 5, lines 21-23.
2. The Court sustains objection to ¶ 6, lines 24-25.
3. The Court sustains objection to ¶ 7, lines 26-28, 1-8.

Objections to Declaration of Heather McClimon.

1. The Court sustains objection to ¶ 2, 8-16.

Objections to Declaration of Brent Giddens.

1. The Court overrules objection to ¶ 3, lines 12-16.
2. The Court overrules objection to ¶ 4, lines 17-20.
3. The Court overrules objection to Exhibit A.
4. The Court overrules objection to Exhibit B.
5. The Court overrules objection to Exhibit C.

Objections to Declaration of Elizabeth Falcone.

1. The Court overrules objection to ¶ 32, lines 13-20.
2. The Court overrules objection to Exhibit A.
3. The Court overrules objection to Exhibit B.
4. The Court overrules objection to Exhibit C.
5. The Court overrules objection to Exhibit D.
6. The Court overrules objection to Exhibit E.
7. The Court overrules objection to Exhibit F.
8. The Court overrules objection to Exhibit G.
9. The Court overrules objection to Exhibit H.
10. The Court overrules objection to Exhibit I.
11. The Court overrules objection to Exhibit J.
12. The Court overrules objection to Exhibit K.
13. The Court overrules objection to Exhibit L.
14. The Court overrules objection to Exhibit M.
15. The Court overrules objection to Exhibit N.
16. The Court overrules objection to Exhibit O.
17. The Court overrules objection to Exhibit P.
18. The Court overrules objection to Exhibit Q.
19. The Court overrules objection to Exhibit R.
20. The Court overrules objection to Exhibit S.
21. The Court overrules objection to Exhibit T.
22. The Court overrules objection to Exhibit U.
23. The Court overrules objection to Exhibit V.
24. The Court overrules objection to Exhibit W.
25. The Court overrules objection to Exhibit X.
26. The Court overrules objection to Exhibit Y.
27. The Court overrules objection to Exhibit Z.
28. The Court overrules objection to Exhibit AA.
29. The Court overrules objection to Exhibit BB.
30. The Court overrules objection to Exhibit CC.

### **Defendant's Objections**

1. The Court overrules objection to Exhibit 1.
2. The Court overrules objection to Exhibit 2.
3. The Court overrules objection to Exhibit 3.
4. The Court overrules objection to Exhibit 4.
5. The Court overrules objection to Exhibit 5.
6. The Court overrules objection to Exhibit 6.
7. The Court overrules objection to Exhibit 7.
8. The Court overrules objection to Exhibit 8.
9. The Court overrules objection to Exhibit 9.
10. The Court overrules objection to Exhibit 10.
11. The Court overrules objection to Exhibit 11.
12. The Court overrules objection to Exhibit 12 at 36:8 to 37:20.
13. The Court overrules objection to Exhibit 12 at 36:8 to 37:20.
14. The Court overrules objection to Exhibit 12 at 155 to 158.
15. The Court overrules objection to Exhibit 12 at 90 to 93.

16. The Court overrules objection to Exhibit 12 at 71 to 76 and 132 to 145.
17. The Court sustains objection to Exhibit 13.
18. The Court overrules objection to Exhibit 14.
19. The Court overrules objection to Exhibit 15.
20. The Court sustains objection to Plaintiff's reply brief at p. 6:8-9.
21. The Court sustains objection to Plaintiff's reply brief at p. 8:20.
22. The Court sustains objection to Plaintiff's reply brief at p. 11:15-16.

Objections to Declaration of L. Tracee Lorens.

1. The Court overrules objection to ¶ 1:5-6.
2. The Court overrules objection to ¶ 2:7.
3. The Court overrules objection to ¶ 2:7.
4. The Court overrules objection to ¶ 2:8-9.
5. The Court overrules objection to ¶ 2:9-11.
6. The Court overrules objection to ¶ 2:11-12.
7. The Court overrules objection to ¶ 2:12.
8. The Court overrules objection to ¶ 2:12-14.
9. The Court overrules objection to ¶ 2:14-15.
10. The Court overrules objection to ¶ 3:18-19.
11. The Court overrules objection to ¶ 3:19-22.
12. The Court overrules objection to ¶ 3:22-26.
13. The Court overrules objection to ¶ 3:26-27.
14. The Court overrules objection to ¶ 3:27-2.
15. The Court overrules objection to ¶ 4:3-4.
16. The Court overrules objection to ¶ 4:5-6.
17. The Court overrules objection to ¶ 4:6-7.
18. The Court overrules objection to ¶ 4:7-8.
19. The Court overrules objection to ¶ 4:8-9.
20. The Court overrules objection to ¶ 4:9-10.
21. The Court overrules objection to ¶ 5:11-12.
22. The Court sustains objection to ¶ 5:13.
23. The Court overrules objection to ¶ 5:13-14.
24. The Court overrules objection to ¶ 5:14-16.
25. The Court overrules objection to ¶ 5:16.
26. The Court overrules objection to ¶ 5:16-17.
27. The Court sustains objection to ¶ 6:18-20.
28. The Court sustains objection to ¶ 6:21-23.
29. The Court sustains objection to ¶ 6:24-25.
30. The Court sustains objection to ¶ 6:25-26.
31. The Court sustains objection to ¶ 6:26-28.
32. The Court sustains objection to ¶ 6:28-1.
33. The Court sustains objection to ¶ 6:1-2.
34. The Court sustains objection to ¶ 7:3.
35. The Court sustains objection to ¶ 7:3-4.
36. The Court sustains objection to ¶ 7:4-7.
37. The Court sustains objection to ¶ 7:7-10.
38. The Court sustains objection to ¶ 7:10-13.

### Objections to Request for Judicial Notice

1. The Court sustains objection to Exhibit 2 – *Olivas v. Smart & Final Stores Corp.*, OCSC Case No. 01CC00077, Class Member Survey.
2. The Court sustains objection to Exhibit 16 – Declaration of Anne Hipshman, ¶ 2:7-10.
3. The Court sustains objection to Exhibit 16 – Declaration of Anne Hipshman, ¶ 2:11-13.
4. The Court sustains objection to Exhibit 16 – Declaration of Anne Hipshman, ¶ 5:22-23.
5. The Court sustains objection to Exhibit 16 – Declaration of Anne Hipshman, ¶ 5(a):24-25.
6. The Court sustains objection to Exhibit 16 – Declaration of Anne Hipshman, ¶ 5(b) - ¶5(ijjjj), pp. 2:26-11:2.

### Objections to Declaration of David Mara filed in Support of Plaintiffs' Opposition to Brinker's Evidentiary Objections.

1. The Court sustains objection to ¶1:5-8.
2. The Court sustains objection to ¶2:10-11.
3. The Court sustains objection to ¶2:11.
4. The Court sustains objection to ¶3:14-15.
5. The Court sustains objection to ¶4:19-21.
6. The Court sustains objection to ¶4:21-23.
7. The Court sustains objection to ¶4:23-27.
8. The Court sustains objection to ¶4:27-2.
9. The Court sustains objection to ¶5:3-8.
10. The Court sustains objection to ¶6:9-14.
11. The Court sustains objection to ¶7:15.
12. The Court sustains objection to ¶7:16-19.
13. The Court sustains objection to ¶8:23-24.
14. The Court sustains objection to ¶9:26-27.

### Objections to Declaration of Wayne Hughes

1. The Court sustains objection to ¶1:11-13.
2. The Court sustains objection to ¶2:15-18.
3. The Court sustains objection to ¶4:2-7.
4. The Court sustains objection to ¶5:18-21.
5. The Court sustains objection to ¶6(a):7-9.
6. The Court sustains objection to ¶6(a):11-16.
7. The Court sustains objection to ¶6(d):5-9.
8. The Court sustains objection to ¶6(d):15-20.
9. The Court sustains objection to ¶6(e):12-21.
10. The Court sustains objection to ¶7(e):Footnote 1.
11. The Court sustains objection to ¶9:10-17.

The Court strikes the declaration of Jason Boisvert filed in support of plaintiffs' reply.

The Court strikes the declaration of Bacilio Paviias filed in support of plaintiffs' reply.

The Court strikes the declaration of Daniel Ponsky filed in support of plaintiffs' reply.

Objections to the declaration of Adam Hohnbaum filed in support of motion for class certification.

1. The Court overrules objection to ¶4:12.
2. The Court overrules objection to ¶5:15-16.
3. The Court overrules objection to p. 2:3-7.

Objections to the declaration of Illya Haase filed in support of motion for class certification.

1. The Court overrules objection to ¶2:7.
2. The Court overrules objection to ¶3:10.
3. The Court overrules objection to ¶3:10-11.
4. The Court overrules objection to ¶11-12.
5. The Court overrules objection to p.3:4-7.

Objections to the declaration of Romeo Osorio filed in support of motion for class certification.

1. The Court overrules objection to p.2:8-9.
2. The Court overrules objection to ¶4:12-13.
3. The Court sustains objection to ¶4:13-14.
4. The Court sustains objection to ¶5:17-19.
5. The Court sustains objection to ¶8:2-4.

Objections to Declaration of Amanda Rader

1. The Court sustains objection to ¶6:20-21.
2. The Court sustains objection to ¶7:23-24.
3. The Court sustains objection to ¶8:26-27.
4. The Court sustains objection to ¶10:2-4.

Objections to the declaration of Santana Alvarado filed in support of motion for class certification.

1. The Court overrules objection to p.3:19-20.
2. The Court overrules objection to ¶1:6-7.
3. The Court sustains objection to ¶3:11-12.
4. The Court sustains objection to ¶4:13-14.
5. The Court sustains objection to ¶5:15-16.
6. The Court sustains objection to ¶5:17-19.
7. The Court sustains objection to ¶6:21-22.
8. The Court sustains objection to ¶6:22-23.
9. The Court sustains objection to ¶7:26-28.
10. The Court sustains objection to ¶8:1-2.
11. The Court sustains objection to ¶9:3-5.
12. The Court sustains objection to ¶10:6-7.
13. The Court sustains objection to ¶10:11-12.
14. The Court sustains objection to ¶11:13-16.
15. The Court sustains objection to ¶11:16-18.

Objections to the declaration of Jerry Lee Albertson II filed in support of motion for class certification.

1. The Court overrules objection to p. 2:19-22.
2. The Court overrules objection to ¶4:10-12.
3. The Court overrules objection to ¶4:13-14.
4. The Court sustains objection to ¶4:14-15.
5. The Court sustains objection to ¶5:16-17.

The Court strikes the declaration of Eliakim Alicea-Perichi filed in support of motion for class certification.

Objections to the declaration of Michelle Anderson filed in support of motion for class certification.

1. The Court overrules objection to p. 3:1-5.
2. The Court overrules objection to ¶4:13-14.
3. The Court overrules objection to ¶5:16-17.
4. The Court overrules objection to ¶5:15-16.
5. The Court sustains objection to ¶5:19-21.
6. The Court sustains objection to ¶6:23-24.
- 7.

The Court strikes the declaration of Jeffrey Armada filed in support of motion for class certification.

The Court strikes the declaration of Daniel Bakker filed in support of motion for class certification.

The Court strikes the declaration of Sarah Belgard filed in support of motion for class certification.

Objections to the declaration of Jesus O. Bojorquez filed in support of motion for class certification.

1. The Court overrules objection to p. 2:23-26.
2. The Court overrules objection to ¶4:12-13.
3. The Court overrules objection to ¶4:13-15.
4. The Court sustains objection to ¶5:16-17.
5. The Court overrules objection to ¶5:18-20.
6. The Court overrules objection to ¶5:20-21.

Objections to Declaration of Brandy Brown.

1. The Court overrules objection to ¶4:12-14.
2. The Court sustains objection to ¶4:14.
3. The Court overrules objection to ¶4:14-16.
4. The Court overrules objection to ¶5:17-18.
5. The Court overrules objection to ¶5:18-19.
6. The Court overrules objection to ¶5:19-20.

Objections to the declaration of Luis Daniel Casillas filed in support of motion for class certification.



1. The Court overrules objection to p. 2:16-19.
2. The Court overrules objection to ¶4:10-11.
3. The Court overrules objection to ¶4:12.
4. The Court sustains objection to ¶4:12-14.

The Court strikes the declaration of Miguel Clara filed in support of the motion for class certification.

Objections to the Declaration of Christian Delgado.

1. The Court overrules objection to ¶2:9-10.
2. The Court overrules objection to ¶4:13-14.
3. The Court overrules objection to ¶4:16-17.
4. The Court sustains objection to ¶4:17-18.

Objections to the declaration of Samuel Dipini filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:11-12.
2. The Court overrules objection to ¶4:14-15.
3. The Court sustains objection to ¶4:15-16.
4. The Court overrules objection to p. 2:19-22.

Objections to the declaration of Jason Enlynn filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:10-11.
2. The Court overrules objection to ¶4:13.
3. The Court sustains objection to ¶4:14-16.
4. The Court overrules objection to ¶5:17-18.
5. The Court sustains objection to ¶5:20-21.
6. The Court sustains objection to ¶6:22-23.

Objections to the declaration of Nicole Fuller filed in support of the motion for class certification.

1. The Court overrules objection to p. 2:19-22.
2. The Court sustains objection to ¶2:8-10.
3. The Court overrules objection to ¶4:13-14.
4. The Court overrules objection to ¶4:14-15.
5. The Court overrules objection to ¶4:15.
6. The Court sustains objection to ¶4:15-16.
7. The Court sustains objection to ¶4:16-17.

Objections to the Declaration of Jerry Gallon filed in support of the motion for class certification.

1. The Court overrules objection to ¶3:7-8.
2. The Court sustains objection to ¶3:8.
3. The Court overrules objection to ¶3:8-10.
4. The Court overrules objection to ¶4:11-12.
5. The Court overrules objection to ¶4:12-14.

6. The Court overrules objection to ¶4:14-15.
7. The Court overrules objection to ¶5:17-18.
8. The Court overrules objection to ¶5:18-19.
9. The Court overrules objection to ¶6:20-21.
10. The Court sustains objection to ¶6:21-22.

Objections to the Declaration of Anthony Galtman filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:10-11.
2. The Court overrules objection to ¶4:13-14.
3. The Court sustains objection to ¶4:14-15.
4. The Court overrules objection to ¶5:16-17.
5. The Court overrules objection to ¶5:17-18.
6. The Court sustains objection to ¶5:18-19.
7. The Court sustains objection to ¶6:20-21.
8. The Court overrules objection to ¶6:21-22.

Objections to the declaration of Lauren Gelber filed in support of the motion for class certification.

1. The Court overrules objection to p. 2:24-27.
2. The Court overrules objection to ¶4:10-11.
3. The Court sustains objection to ¶4:13-15.
4. The Court overrules objection to ¶5:16-17.
5. The Court sustains objection to ¶5:18-20.
6. The Court overrules objection to ¶5:20-21.
7. The Court sustains objection to ¶5:21-22.

Objections to the declaration of Mariya Goldman filed in support of the motion for class certification.

1. The Court sustains the objection to the entire declaration.

Objections to the declaration of Derek Goldstein filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:10-11.
2. The Court overrules objection to ¶4:13-14.
3. The Court overrules objection to ¶4:14-15.
4. The Court sustains objection to ¶4:15-16.

Objections to the declaration of Will Gordon filed in support of motion for class certification.

1. The Court overrules objection to p. 3:1-5.
2. The Court overrules objection to ¶3:10.
3. The Court overrules objection to ¶3:10-12.
4. The Court overrules objection to ¶4:16-17.
5. The Court overrules objection to ¶5:19-22.
6. The Court sustains objection to ¶6:24-25.

Objections to the declaration of Stefanie Graham filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:12-13.
2. The Court overrules objection to ¶4:15-16.
3. The Court sustains objection to ¶4:17.

Objections to the declaration of Charmaigne S. Hanna-Baker filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:13-14.
2. The Court overrules objection to ¶4:15-17.
3. The Court overrules objection to ¶5:18-19.
4. The Court overrules objection to ¶5:19-21.
5. The Court overrules objection to ¶5:21-22.
6. The Court overrules objection to ¶6:1-2.
7. The Court overrules objection to ¶6:2-4.
8. The Court overrules objection to ¶6:4-5.

Objections to the declaration of Nicole Hardin filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:13-14.
2. The Court overrules objection to ¶4:14-15.
3. The Court sustains objection to ¶4:15-17.

The Court strikes the declaration of Tricia Lusic-Yee filed in support of the motion for class certification.

Objections to the declaration of Jeff Martin filed in support of the motion for class certification.

1. The Court overrules objection to ¶3:11-12.
2. The Court sustains objection to ¶4:13-15.
3. The Court overrules objection to ¶4:15-16.
4. The Court overrules objection to ¶5:17-19.
5. The Court overrules objection to ¶6:20-22.

Objections to the declaration of Lyndsay Salina filed in support of the motion for class certification.

1. The Court overrules objection to p. 2:25-28.
2. The Court overrules objection to ¶4:11-12.
3. The Court overrules objection to ¶4:12-13.
4. The Court overrules objection to ¶4:13-14.
5. The Court sustains objection to ¶4:14-15.
6. The Court overrules objection to ¶5:16-17.
7. The Court overrules objection to ¶5:19-20.
8. The Court sustains objection to ¶5:20-22.
9. The Court overrules objection to ¶5:22-23.
10. The Court sustains objection to ¶5:23-24.

Objections to the declaration of Kamerin Stremel filed in support of the motion for class certification.

1. The Court sustains objection to ¶2:9-10.
2. The Court overrules objection to ¶4:13-14.
3. The Court overrules objection to ¶4:16-17.
4. The Court overrules objection to ¶4:17-18.
5. The Court overrules objection to ¶4:18-19.
6. The Court sustains objection to ¶4:24-25.
7. The Court overrules objection to ¶5:21-24.
8. The Court sustains objection to ¶5:24-25.

Objections to the declaration of Larry Tobias filed in support of the motion for class certification.

1. The Court overrules objection to ¶4:11.
2. The Court overrules objection to ¶4:12-13.
3. The Court sustains objection to ¶4:13-15.
4. The Court sustains objection to ¶5:16-17.

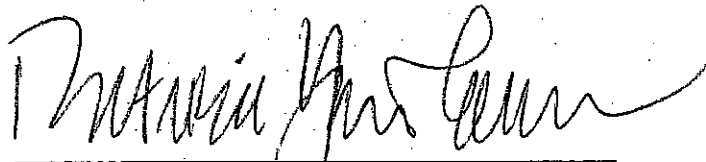
Objections to Exhibits Filed in Support of Motion for Class Certification

1. The Court overrules objection to Exhibit 1.
2. The Court overrules objection to Exhibit 2.
3. The Court overrules objection to Exhibit 3.
4. The Court overrules objection to Exhibit 4.
5. The Court sustains objection to Exhibit 5.
6. The Court overrules objection to Exhibit 6.
7. The Court overrules objection to Exhibit 7.
8. The Court overrules objection to Exhibit 9.
9. The Court overrules objection to Exhibit 10.
10. The Court overrules objection to Exhibit 11.
11. The Court overrules objection to Exhibit 13.
12. The Court overrules objection to Exhibit 14.
13. The Court overrules objection to Exhibit 15.
14. The Court overrules objection to Exhibit 17.
15. The Court sustains objection to Exhibit 18.
16. The Court sustains objection to Exhibit 19.
17. The Court sustains objection to Exhibit 20.
18. The Court overrules objection to Exhibit 21.
19. The Court overrules objection to Exhibit 22.
20. The Court overrules objection to Exhibit 23.
21. The Court overrules objection to Exhibit 24.
22. The Court overrules objection to Exhibit 25.
23. The Court overrules objection to Exhibit 26.
24. The Court overrules objection to Exhibit 27.
25. The Court overrules objection to Exhibit 28.
26. The Court sustains objection to Exhibit 29.
27. The Court sustains objection to Exhibit 30.
28. The Court overrules objection to Exhibit 31.
29. The Court sustains objection to Exhibit 32.
30. The Court sustains objection to Exhibit 33.

31. The Court sustains objection to Exhibit 34.
32. The Court sustains objection to Exhibit 35.
33. The Court overrules objection to Exhibit 36.
34. The Court sustains objection to Exhibit 37.
35. The Court overrules objection to Exhibit 38.
36. The Court overrules objection to Exhibit 40.
37. The Court overrules objection to Exhibit 41.
38. The Court sustains objection to Exhibit 42.
39. The Court sustains objection to Exhibit 43.
40. The Court sustains objection to Exhibit 44.
41. The Court sustains objection to Exhibit 45.
42. The Court sustains objection to Exhibit 46.
43. The Court sustains objection to Exhibit 47.
44. The Court sustains objection to Exhibit 48.
45. The Court overrules objection to Exhibit 49.
46. The Court overrules objection to Exhibit 50.

IT IS SO ORDERED.

Dated: 7/6/06



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PATRICIA YIM COWETT  
Judge of the Superior Court