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Attorneys for Plaintiff,  
DAVID MACHLAN

SUPERIOR COURT OF CALIFORNIA

SAN FRANCISCO

DAVID MACHLAN, an individual, on behalf  
of himself, the general public and those  
similarly situated

Plaintiff,

v.

THE PROCTER & GAMBLE COMPANY;  
NEHEMIAH MANUFACTURING  
COMPANY LLC

Defendants

Case No. CGC 14-538168

**CLASS ACTION**

PLAINTIFF’S CONSOLIDATED REPLY  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
APPLICATION FOR ATTORNEYS’ FEES,  
COSTS AND INCENTIVE AWARD

Date: March 29, 2017  
Time: 9:30 a.m.  
Department: 305

Honorable Judge Mary Wiss

1 Although class notice was viewed more than 11 million times online, there have been only  
2 four (4) opt-outs and no objections. This overwhelmingly positive response weighs strongly in favor  
3 of final approval of the settlement and the requested attorneys’ fees, costs and incentive award. *See*  
4 *In re: Mego Financial Corp. Securities Litigation*, 213 F.3d 454, 459 (9th Cir. 2000) (low number  
5 of objectors and opt-outs supports trial court’s finding that settlement was “fair, adequate and  
6 reasonable”); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1027 (9th Cir. 1998) (low opt-outs provide  
7 “objective positive commentary as to its fairness”); *7-Eleven Owners for Fair Franchising v.*  
8 *Southland Corp.* (2000) 85 Cal.App.4th 1135, 1145 (response of absent class members was  
9 “overwhelmingly positive” where only 1.5 percent elected to opt out).

10 Plaintiff has now demonstrated that this settlement is fair, reasonable and adequate, so it is  
11 appropriate to finally approved the settlement, award the requested fees, costs and incentive, and  
12 enter judgment.<sup>1</sup>

13 Plaintiff accordingly requests that the Court enter final judgment certifying the settlement  
14 class and approving the settlement, granting his application for an incentive award of \$5,000.00,  
15 and awarding his counsel \$650,000.00 in attorneys’ fees and costs.

16  
17 DATED: March 15, 2017

**GUTRIDE SAFIER LLP**

/s/Adam Gutride/s/

19 By: \_\_\_\_\_  
Adam Gutride, Attorneys for Plaintiff

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25 <sup>1</sup> Subsequent to filing the final approval papers, Plaintiff’s counsel has spent additional time and  
26 money on this case. As the amounts are small in relation to the lodestar already worked, Plaintiff’s  
27 counsel has not filed an updated declaration, but will do so if this Court desires. Plaintiff files  
herewith proposed orders granting final approval and awarding fees, costs and an incentive to the  
plaintiff.

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I, Seth Safier, declare:

My business address is 100 Pine Street, Suite 1250, San Francisco, California. I am employed in the County of San Francisco, where this mailing occurs. I am over the age of 18 years and not a party to the within cause.

On March 15, 2017, I served the following documents:

PLAINTIFF’S CONSOLIDATED REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND APPLICATION FOR ATTORNEYS’ FEES, COSTS AND INCENTIVE AWARD;

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND JUDGMENT;

[PROPOSED] ORDER GRANTING APPLICATION FOR ATTORNEYS’ FEES, COSTS AND INCENTIVE AWARD; and

REPLY DECLARATION OF MARK RAPAZZINI REGARDING NOTICE AND SETTLEMENT ADMINISTRATION APPROVAL OF CLASS ACTION SETTLEMENT AND APPLICATION FOR ATTORNEYS’ FEES, COSTS AND INCENTIVE AWARDS

on the following person(s) in this action by placing a true copy thereof as follows:

EMILY HENN  
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BY ELECTRONIC FILING. I caused said documents to be transmitted via File&Serve Express to the above email addresses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on march 15, 2017, at San Francisco, California.

\_\_\_\_\_  
Seth Safier, Esq.