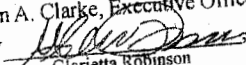


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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 12 2010

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7 Los Angeles, California 90024-3403
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John A. Clarke, Executive Officer/Clerk
BY  Deputy
Glorietta Robinson

9 Attorneys for Plaintiff HENRY P. UNGER, individually
and on behalf of the Settlement Class

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 HENRY P. UNGER, suing individually and
14 on behalf of all others similarly situated,

Case No. BC396926

15 Plaintiff,

CLASS ACTION

16 vs.

[Hon. John A. Kronstadt
Department 30]

17
18 MERCEDES-BENZ USA, LLC, a Delaware
19 corporation; and defendant Does 1 through
20 100, inclusive

NOTICE OF ENTRY OF ORDER RE:
JOINT STIPULATION TO REDUCE CLASS
REPRESENTATIVE INCENTIVE AWARD
REQUESTED

Original complaint filed August 22, 2008

21
22 Defendants.

23
24 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

25 **PLEASE TAKE NOTICE** that, on August 6, 2010, the Court signed the joint stipulated order
26 submitted by the parties to reduce the class representative incentive award requested in this action.

27 \\\

1 A true and correct copy of the Court's August 6, 2010 order is attached as Exhibit 1.

2
3 Dated: August 11, 2010

WESTRUP KLICK, LLP

4
5 By: 

MARK L. VAN BUSKIRK

6 Attorneys for Plaintiff HENRY UNGER and
7 the Settlement Class
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Exhibit 1

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**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

AUG - 6 2010

John A. Clarke, Executive Officer/Clerk
By E.T. Espinoza, Deputy

5 Attorneys for Plaintiff HENRY P. UNGER, individually
6 and on behalf of all others similarly situated

7 Ronald F. Frank, State Bar No. 109076
Keiko J. Kojima, State Bar No. 206595
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10 rfrank@bwslaw.com; kkojima@bwslaw.com

11 Attorneys for Defendant MERCEDES-BENZ USA, LLC

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

15 HENRY P. UNGER, suing individually and
16 on behalf of all others similarly situated,

17 Plaintiff,

18 vs.

20 MERCEDES-BENZ USA, LLC, a
21 Delaware corporation; and defendant Does
1 through 100, inclusive

22
23 Defendants.

Case No. BC396926
Hon. John A. Kronstadt, Dept. 30

CLASS ACTION

**JOINT STIPULATION REDUCING
CLASS REPRESENTATIVE INCENTIVE
AWARD REQUESTED; ~~(PROPOSED)~~
ORDER THEREON**

24
25 Plaintiff Henry P. Unger ("Plaintiff") and Defendant Mercedes-Benz USA, LLC ("Defendant"
26 or "MBUSA") (Plaintiff and Defendant are collectively referred to as the "Parties") respectfully
27 submit this Joint Stipulation to reduce the Class Representative Incentive Award requested in this
28 action.

1 **THE PARTIES STIPULATE AS FOLLOWS:**

2
3 1. The Parties have entered into a settlement agreement that would resolve this action.
4 The settlement agreement provides that Plaintiff will receive, subject to the Court's approval, a class
5 representative enhancement award of \$25,000;


6 2. On July 27, 2010 at 8:30 a.m, the Court granted preliminary approval of the proposed
7 settlement. At the July 27th hearing on Plaintiff's preliminary approval motion, the Court expressed
8 reservations with regard to the \$25,000 class representative enhancement award requested by Plaintiff;

9 3. While Plaintiff and the Parties believe that the class representative fee requested in the
10 amount of \$25,000 is fair and reasonable and was preliminarily approved by the Court, Plaintiff has
11 agreed to reduce his enhancement award request to \$15,000; and

12 4. The Parties have agreed that the Notice of Proposed Settlement of Class Action to be
13 distributed to putative settlement class members will be changed to reflect the agreed upon reduction
14 of Plaintiff's class representative enhancement award.


15
16 Dated: July 29, 2010

WESTRUP KLICK, LLP

17
18 By: 
19 MARK L. VAN BUSKIRK
20 JENNIFER L. CONNOR
21 Attorneys for Plaintiff HENRY UNGER and
the putative plaintiff Class

22 Dated: July 29, 2010

BURKE, WILLIAMS & SORENSEN, LLP

23
24 By: 
25 RONALD F. FRANK
26 KEIKO J. KOJIMA
27 Attorneys for Defendant MERCEDES-BENZ
28 USA, LLC

1 **[PROPOSED] ORDER**

2 Based on the parties' Stipulation, and good cause appearing, the Court makes the following
3 Order:

4 1. The Court orders that the Notice of Proposed Settlement of Class Action to be
5 distributed to putative settlement class members be changed to reflect the reduction of Plaintiff's class
6 representative enhancement award from \$25,000 to \$15,000, based upon agreement of the Parties;

7 2. The reduction of the proposed class representative enhancement award to \$15,000
8 remains subject to the Court's final approval.

9
10 **IT IS SO ORDERED.**

11
12 Date: AUG 06 2010

JOHN A. KRONSTADT

HON. JOHN A. KRONSTADT
Judge Of The Superior Court Of California,
County Of Los Angeles

1 **PROOF OF SERVICE**

2 At the time of service I was over 18 years of age and not a party to this action. My
3 business address is 444 West Ocean Boulevard, Suite 1614, Long Beach, California 90802-4524.

4 On August 11, 2010, I served the following documents described as **NOTICE OF**
5 **ENTRY OF ORDER RE: JOINT STIPULATION TO REDUCE CLASS REPRESENTATIVE**
6 **INCENTIVE AWARD REQUESTED**. I served the documents on all interested parties, as follows:

7 **Ronald F. Frank**
8 **Burke, Williams & Sorensen, LLP**
9 **444 South Flower Street, Suite 2400**
Los Angeles, California 90071-2953
Tel: 213/236-0600
Fax: 213/236-2700

ALLAN A. SIGEL
LAW OFFICES OF ALLAN A. SIGEL
1125 GAYLEY AVENUE
LOS ANGELES, CALIFORNIA 90024
TEL: 310/824-4070
FAX: 310/208-7271

10 The documents were served by the following means (specify):

- 11 a. **By Personal Service.** I caused the documents to be personally delivered to the
12 persons at the addresses listed above. (1) For a party represented by an attorney,
13 delivery was made to the attorney or at the attorney's office by leaving the documents
14 in an envelope or package clearly labeled to identify the attorney being served with
15 a receptionist or an individual in charge of the office. (2) For a party, delivery was
16 made to the party or by leaving the documents at the party's residence with some
17 person not less than 18 years of age between the hours of eight in the morning and
18 six in the evening.
- 19 b. **By United States Mail.** I enclosed the documents in a sealed envelope or package
20 addressed to the persons at the addresses listed above. I placed the envelope for
21 collection and mailing, following our ordinary business practice. I am readily familiar
22 with this business's practice for collecting and processing correspondence for mailing.
23 On the same day that correspondence is placed for collection and mailing, it is
24 deposited in the ordinary course of business with the United States Postal Service,
25 in a sealed envelope with postage fully prepaid. I am employed in the county where
26 the mailing occurred. The envelope or package was placed in the mail at Long
27 Beach, California.
- 28 c. **By Overnight Delivery.** I enclosed the documents in an envelope or package
provided by an overnight delivery carrier and addressed to the persons at the
addresses listed above. I placed the envelope or package for collection and
overnight delivery at an office or a regularly utilized drop box of the overnight delivery
carrier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 11, 2010



JAMES VELOFF