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Attorney for Objector &
Intervenor Richard Holober

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re Ameritrade Account Holder
Litigation,

) Master File No.
) C 07 2852 VRW
) Class Action

This Document Relates to All Actions)

**(1) OBJECTIONS TO FINAL
APPROVAL OF PROPOSED
SETTLEMENT BY RICHARD
HOLOBUR;
(2) NOTICE OF INTENTION TO
APPEAR AT HEARING ON FINAL
APPROVAL ON SEPTEMBER 10,
2009,
(3) NOTICE OF INTERVENTION,
(4) JOINDER IN OBJECTIONS OF
ORIGINAL CLASS
REPRESENTATIVE MATHEW
ELVEY
(5) REQUEST FOR NEW CLASS
COUNSEL**

DATE: September 10, 2009
TIME: 2:30 P.M.
COURTROOM: Six
450 Golden Gate Ave., S .F, CA

Chief Judge Vaughn R. Walker

INTRODUCTION & SUMMARY OF ARGUMENT

Richard Holober is the Executive Director of the Consumer Federation of California (“CFC”). The Consumer Federation is a non-profit advocacy group for consumer rights. More information is at <http://www.consumerfedofca.org>.

Mr. Holober is also a member of the putative class who received a mailed notice of this action related to an account held at .TD Ameritrade.

He hereby joins in the objections to the proposed settlement by original class representative Mathew Elvy.

Mr. Holober also makes the following stated objections in addition to his joinder in Mr. Elvey’s Objections

He hereby respectfully objects to the proposed settlement because it is not fair, reasonable and adequate because, inter alia:

1. The “security” software to be provided to class members in the proposed settlement is actually **dangerous** for the class members to use,
2. The Trend Micro software is of no actual value based on free market considerations;
3. The proposed settlement does not provide anywhere near adequate compensation for defendant’s violation of putative class members’ right to privacy under California and other law. A recent settlement in a similar, identity theft, situation by the California Attorney General and forty other State Attorneys General, provided eight million dollars actual payment by TJXX (parent of TJ Max) and very substantial other relief to protect consumer privacy. See California

1 AG's press release of June 23, 2009 at Exhibit A, attached
2 hereto.

- 3 4. The Proposed Settlement attempts to place unlawful
4 requirements on objectors—contrary to Supreme Court
5 authority.

6
7 Further, Mr. Holober requests that the Court replace present class counsel
8 with experienced class counsel who are attuned to obtaining adequate
9 recompense for the class members.

10
11 Mr. Holober also hereby states his intention to appear at the hearing
12 presently set for September 10, 2009; and respectfully requests that he be
13 granted leave to intervene in this action and that he be granted full access to
14 discovery taken in this matter.

15
16 **ARGUMENT**

- 17
18 **1. The “security” software to be provided to class members**
19 **in the proposed settlement is actually dangerous for the**
20 **class members to use**

21
22 A recent review of internet security suites in the well-respected PC
23 World (in a story headlined “*Trend Micro's suite fails at the most basic task of*
24 *detecting and blocking malicious software. Not recommended:*” states:

25 “Trend Micro Internet Security Pro 2009 (\$70
26 for three users as of 12/24/08) **fails badly** at any
27 security suite's most important task: Identifying
28

malware before it can attack your PC. In tests for "[Paying for Protection](#)," our 2009 roundup of nine [security suites](#), **Trend Micro's newest offering didn't just come in last place in that crucial category--its dismal 69.3 percent detection rate was a full 20 percentage points behind the next worst competitor.** In AV-Test.org's tests, which put each suite up against a huge array of bots, password stealers, and other malware, **top performers tagged about 99 percent of the 654,914 samples--but Trend Micro's package let three out of every ten pieces of malicious software go by untouched. That just doesn't cut it for security software."**

Review on line

at:http://www.pcworld.com/reviews/product/44060/review/internet_security_pro_2009.html

(bold added) Copy at Exhibit B, hereto.

It is respectfully submitted that sending "security" software to class members which does not actually provide security is worse than valueless. It provides a false sense of security, based on misinformation and is likely to prevent other truly effective action by victims of TD Ameritrade.

As the PC World review, supra, concludes:

"... there's no getting around the fact that Internet Security Pro 2009 fails at detecting malicious

1 software, and therefore **fails as a security program.**

2 **We cannot recommend buying it.”** (bold added)

3
4 See also PC World’s summary of its tests of nine security suites, rating
5 Symantec’s Norton Internet Security Suite as best and Trend Micro at the
6 absolute bottom. PC World, Jan. 22, 2009. Online at
7 http://www.pcworld.com/article/158178/top_internet_security_suites.html.
8 Copy attached at Exhibit C.

9
10 **2. The Trend Micro software is of no actual value based on**
11 **free market considerations;**

12
13 A lot of security software is available for free after rebate, including
14 much higher rated programs than Trend Micro. Indeed, it appears the proposed
15 settlement is little more than a marketing promotion for Trend’s software at
16 what is very likely a cost of nothing (or, even a profit center) for TD
17 Ameritrade. The money in security software evidently comes when consumers
18 purchase a renewal subscription without which the software is rendered useless.

19 So, giving away the software can be very profitable.

20 TD Ameritrade should be required to reveal what, if anything, it is
21 actually paying for each copy of Trend Micro’s software downloaded under the
22 Settling Parties Agreement.

23
24 Two recent **free** after rebate offers for highly rated security software:

- 25 a. Norton Internet Security 2009 advertised by Frys
26 Electronics on July 1, 2009 in the Los Angeles Times, free after
27 rebates. Portion of full page newspaper ad attached at Exhibit D.

b. McAfee Total Protection, Amazon.com on June 22, 2009, free after rebates. Amazon offer at Exhibit E.

Thus, non-Trend software which actually provides some security is available for free. The value of the proposed Trend Micro security software is far less than nothing since it provides only false security.

3. State AGs just settled similar case for *8 million in cash and substantial other relief--Proposed settlement does not provide compensation for defendant's violation of class members' Right of Privacy under California and other law—Sub-Class of Californians needed to provide proper compensation for violation of Californians' Right of Privacy

A recent settlement in a rather similar, identity theft, matter by the California Attorney General and forty other State Attorneys General, provided eight million dollars actual payment by TJXX (parent of TJ Max) and very substantial other relief to protect consumer privacy. See California AG's press release of June 23, 2009 at Exhibit A, attached.

While the TJXX matter involved vital, personal credit card information, the instant matter is about information held by a stockbroker. Stockbroker records are arguably even more sensitive than retail credit card records because they can easily lead to the theft of vast sums of investment and retirement monies from broker account holders.

In any event, it appears that the Settling Parties have provided nothing to compensate the victims of bad security at TD Ameritrade which involved, for

1 Californians, violation of their State Constitutional Right of Privacy (Ar. 1, § 1,
 2 Calif. Constitution)/ See generally *Hill v. National Collegiate Athletic Ass’n*
 3 (1994) 7 Cal. 4th 1. For holding that private parties such as TD Ameritrade are
 4 conversed by the California Right to Privacy see *Hill*, supra at 20. (“In
 5 summary, the Privacy Initiative in article I, section 1 of the California
 6 Constitution creates a right of action against private as well as government
 7 entities.”).

8 Further, it appears that because of California’s explicit Constitutional
 9 Right of Privacy a sub-class of Californians should be created so that the value
 10 of Californians’ privacy claims may be properly accounted for and
 11 compensated for in any proposed settlement.

12 More or less similar rights exist under the laws of other States and in
 13 Federal law and should be compensated for as well.

14 Yet, Settling Parties ask class members to give up any claim to
 15 compensation for violation of their right to privacy in a worthless settlement—
 16 indeed a settlement which is very likely to actively harm those who accept the
 17 dangerous Trend Micro “security” software.

18 This is a mess of potage for a birthright, indeed.

19
 20 **4. Proposed Settlement attempts to place unlawful**
 21 **requirements on objectors—contrary to Supreme Court**
 22 **authority**
 23

24 In *Devlin v. Scardelletti* (2002) 536 U.S. 1, the Court held that objectors
 25 who appear at the fairness hearing have the right to appeal approval of a
 26 proposed settlement. The *Devlin* Court did not expand that requirement of
 27
 28

1 appearing at the hearing to include other requirements such as making written
2 objections by any certain date prior to the final approval hearing.

3 Nonetheless, and contrary to *Devlin*, the Settling Parties' agreement (and
4 the Notice they wrote) purports to require objectors to make full written
5 objection two months before the fairness hearing on pain of not being heard.

6 This purported term in the Settling Parties' agreement is unlawful. The
7 Notice is intentionally misleading (and obviously meant to discourage
8 objectors) in claiming that objectors will not be heard if they do not file full
9 written objections and a notice that they will appear long, long before the
10 fairness hearing.

11 It is respectfully submitted that a settlement agreement containing
12 unlawful terms and founded on a misleading notice to class members may not
13 be properly approved.

14
15 **5. Present Class Counsel should be replaced with effective**
16 **Class Counsel—No Fees Should be Awarded Present**
17 **Class Counsel**
18

19 In view of the magnitude of harm and potential harm to class members
20 and the paltriness of the negative-value proposed settlement put forward by
21 Present Class Counsel, it is submitted that the proposed settlement should not
22 be approved by this Court and that new Class Counsel should be appointed.

23 No doubt, the Court is well-aware of numerous qualified firms which
24 might be interested in taking over the matter on behalf of the class. Or there are
25 other ways in which replacement of Present Class Counsel could be handled.

26 In any event, the proposed settlement is of negative value to the class,
27 there should be no payment to Present Class Counsel.

CONCLUSION

This Honorable Court should not finally approve the proposed settlement

It is respectfully submitted, for the above stated reasons and for the reasons stated in Mathew Elvey's Objections in which Mr. Holober joins, that this Honorable Court should not grant final approval of the proposed settlement and should appoint new Class Counsel.

DATED: July 9, 2009

Respectfully submitted,

by /s/ Howard Strong
Howard Strong, Attorney for Objector Richard.
Holober

DECLARATION OF HOWARD STRONG

I, Howard Strong, do hereby declare under penalty of perjury under the laws of the United States of America the following:

1. Exhibit D—The copy of a portion of an ad from the Los Angeles Times of July 1, 2009 is a true black and white copy of a portion of the color original ad which ad is too large to reproduce full size on letter size paper.

2. Exhibit E—The Amazon.com offer is a true copy of pages which I found on and printed off the Internet.

by /s/ Howard Strong
Howard Strong, Attorney for Objector Richard.
Holober

EXHIBIT A

EXHIBIT A

State of California • Department of Justice
OFFICE OF THE ATTORNEY GENERAL
Edmund G. Brown Jr.

News Release

June 23, 2009

FOR IMMEDIATE RELEASE

Contact: (916) 324-5500

Brown Forces Parent Company of TJ Maxx and Marshall's to Block Credit Card Hackers

Oakland- After a "massive breach" jeopardized the personal information of 50 million consumers, Attorney General Edmund G. Brown Jr. today joined 40 other states in requiring TJX--the parent company of TJ Maxx, Marshall's, HomeGoods, and A.J. Wright--to bolster the security of its databases.

"TJX ignored flaws in its credit card database, until hackers broke into it, gaining access to the personal information of almost 50 million people," Brown said. "This agreement requires the company to carefully test its security systems and upgrade them to the highest contemporary standards."

In January 2007, TJX announced that hackers had gained access to portions of its computer databases, which stored credit and debit card numbers, social security numbers and personal information of over 50 million customers.

Subsequently, 41 state attorneys general launched an investigation into how the hackers gained access and if the company did enough to protect its customers.

The investigation found that TJX failed to address the security flaws identified in a 2004 internal audit. This audit found major vulnerabilities connected to using firewalls, encrypting cardholder data, updating anti-virus software and regularly testing security systems. Just one year later, hackers from several different countries exploited the same vulnerabilities the audit identified.

The hackers accessed the company's databases, connected to unsecured wireless networks, on two separate occasions. The first breach occurred in 2005 when hackers accessed TJX's main server in Framingham, Mass. They targeted unencrypted and unprotected data such as: names, addresses, social security numbers, military ID numbers, and driver's license numbers. The hackers obtained 94 million unique credit/debit card numbers.

The second breach occurred in 2006 in which the hackers installed an Open Virtual Private Network (Open VPN) on the main server. Using this connection, the intruders were able to capture card data such as: account numbers, cardholder names, credit card expiration dates, and PIN numbers. The hackers were able to intercept the data as it was being transmitted from banks to the 1,774 retail stores where customers were making purchases. The company estimates tens of millions of credit card transactions were intercepted.

These consumers were put at risk of identity theft, and many were forced to incur credit monitoring costs.

To date, 11 individuals have been arrested in connection with the incidents. Three of the hackers are U.S. citizens, one is from Estonia, three are from Ukraine, two are from the People's Republic of China and one is from Belarus.

Under the agreement, the company must:

- Implement and maintain an Information Security Program designed to protect the security, confidentiality and integrity of personal information within 120 days;
- Designate employees to coordinate and be accountable for the new Information Security Program;
- Conduct a thorough risk assessment of the program;
- Conduct regular testing and monitoring of the effectiveness of the program;
- Replace or upgrade all wired and wireless systems;
- Refrain from storing all personal data such as: account number, cardholder name, expiration date, and PIN on the magnetic strip on the back of credit cards;
- Install intruder detection systems and other devices to track and monitor unauthorized access; and
- Participate in pilot programs for testing new security-related payment card technology.

In addition, TJX will pay \$5.5 million for data protection and consumer protection efforts; \$2.5 million to a Data Security Fund to be used to advance enforcement efforts and policy development in the field of data security and protecting consumers' personal information and \$1.75 million in other costs and fees associated with the investigation.

California has 73 TJ Maxx stores, 103 Marshall's stores, 7 A.J. Wright stores and 31 HomeGoods stores. California will receive \$624,393 as part of the agreement.

States involved in today's agreement are: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and the District of Columbia.

A copy of the settlement agreement is attached.

EXHIBIT B

EXHIBIT B

Sponsored by:



This story appeared on Network World at

<http://www.networkworld.com/reviews/2009/012309-trend-micro-internet-security-pro.html>

Trend Micro Internet Security Pro 2009

By Erik Larkin , PC World , 01/23/2009

Trend Micro Internet Security Pro 2009 (US\$70 for three users as of 12/24/08) fails badly at any security suite's most important task: Identifying malware before it can attack your PC. In tests for "[Paying for Protection](#)," our 2009 roundup of nine [security suites](#), Trend Micro's newest offering didn't just come in last place in that crucial category--its dismal 69.3 percent detection rate was a full 20 percentage points behind the next worst competitor. In AV-Test.org's tests, which put each suite up against a huge array of bots, password stealers, and other malware, top performers tagged about 99 percent of the 654,914 samples--but Trend Micro's package let three out of every ten pieces of malicious software go by untouched. That just doesn't cut it for security software.

Sponsored by:

Trend Micro likewise fell flat in heuristic tests using two-week-old signature files to simulate dealing with unknown threats, and at catching annoying adware. It was dead last in both categories.

The company says that it emphasizes proactive protection that attempts to block threats before they can try installing malware (and before the suite would have to recognize it). Trend Micro uses its own Web crawlers, download tests, and user reports to maintain a database of malicious Web sites, and will block those sites from loading on your PC. It's a valid approach--one that could well supplement scanning for malware on your PC--but it can't yet replace that core detection task.

Trend Micro's package did shine when tasked with cleaning up an existing infection. It removed all the files from nine out of ten malware infections, a performance that only [BitDefender](#) matched. It was almost as good in dealing with Registry changes, placing second in that test.

The suite offers a few interesting features, such as a scan for missing Windows patches that assigns a risk level for each one. You'll also get a useful Wi-Fi advisor button in a

browser toolbar that can warn you if your wireless network lacks encryption--a smart tool placed in a good location.

Trend Micro also did well with its user interface, and clearly took time to provide good descriptions for features and options. Right away we noticed the use of plain English throughout the program.

But the company went too far with its desire to simplify, as we saw no pop-ups or warnings when it blocked our attempted [Zango-adware](#) download. We had to dig into the program logs to find out what was going on. It's good to help people make informed decisions to protect their computer, but it's also important to at least give users an idea that something we just tried to do was potentially harmful. Without an alert, a user might think that their browser simply had a problem, and they might then try installing the dangerous software through another browser--or even worse, on another PC. You can change the default setting to display warnings when your PC encounters viruses or spyware, but you shouldn't have to.

Trend Micro's suite has some good points, but there's no getting around the fact that Internet Security Pro 2009 fails at detecting malicious software, and therefore fails as a security program. We cannot recommend buying it.

For more PC news, visit [PC World](#). Story copyright PC World Communications, Inc.

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EXHIBIT C

EXHIBIT C



Top Internet Security Suites: Paying for Protection

Using security software is more important than ever. Our tests of the latest all-in-one security suites show that good protection can shut down the nastiest viruses, spyware, and adware.

Erik Larkin, PC World

Thursday, January 22, 2009 06:00 PM PST

In the early days of computer viruses, you could get by with careful surfing--and without antivirus protection. Now, crooks love nothing more than to discover a nasty [zero-day security flaw](#) for which there's no defense, and then to infiltrate otherwise benign and popular Web sites with hidden, malicious programming made to attack that security flaw. While relatively uncommon, such tactics can catch even the most careful surfer. Like it or not, you need security tools.

To help you select the best security for your computer, *PC World* put nine comprehensive suites--from Avira, BitDefender, F-Secure, Kaspersky, McAfee, Panda, Symantec, Trend Micro, and Webroot--through the wringer. We poked and prodded, surfed and scanned until one contender came out on top.

Our all-around winner this year was [Norton Internet Security 2009](#). Once again Symantec's suite did a fine job combining strong performance with smooth design, starting with a top-tier overall malware detection rate just shy of 99 percent. It sports an attractive and well-laid-out interface, and useful new features in this year's version include "pulse" automatic updates, which send new malware-detection signatures out to your PC every 5 to 15 minutes.

Symantec also incorporated cloud computing into the suite this year, with on-the-spot online checks to supplement scans that used to occur entirely on your machine. The Norton Insight feature, which compares a new program on your PC against a reputation database of programs that other Norton users have, is meant primarily to improve the suite's performance by preventing it from scanning known safe applications.

Harnessing the immediacy of the Internet is a trend this year. The [F-Secure](#), [McAfee](#), and [Panda](#) packages all now use similar online checks to attempt to detect new malware more quickly, without having to wait for a scheduled signature update; the approach has the potential to boost overall detection rates.

With new features, strong performance and pleasing design, Norton Internet Security deserves its top spot--but that doesn't mean it's for everyone. Norton can't perform backups, for instance, while four other suites in this group offer the feature. Also, though Norton's detection rate is very good, it isn't the best: [Avira's Premium Security Suite](#) took top honors again this year in identifying both known and unknown malware. What's more, you'll have to pay for the best. At \$70 for three PCs, Norton was the second-most-costly suite we tested; only [Kaspersky Internet Security 2009](#) cost more, at \$80 for three users.

If you want the best all-around security, buy the Norton suite. But for particular needs, you might have better choices--the less-expensive [BitDefender](#) (our number two pick), say, or maybe Avira, the top virus detector (with backups)--so be sure to read all our reviews before you commit.

How We Tested the Suites

To evaluate the suites, *PC World* once again partnered with [AV-Test.org](#). This German organization pitted each suite against its "zoo" of 654,914 backdoor programs, bots, worms, Trojan horses, and password stealers, as well as against 46,246 adware samples. Each suite was allowed to connect to the Internet to use online checks, where available.

The group's [rootkit](#) tests looked at each package's ability to detect and clean up both active and inactive rootkits--

stealth malware designed to hide criminal software on your PC. AV-Test also assessed scan speed and each suite's ability to clean up a malware infection, and the group's heuristic and behavioral detection tests determined how well a suite could identify new and unknown malware for which it didn't yet have a signature. The heuristic tests used two- and four-week-old signature files with each suite to simulate encounters with unknown malware, while the in-depth behavior tests examined how well each suite could identify malware based solely on how it acted on a PC.

After AV-Test evaluated and scrutinized each suite's innards, we tested its interface and design. We determined whether it smoothly handled alert pop-ups or phishing-site blocks, or whether its actions left us scratching our heads. We combed through all the settings to see whether they were at appropriate defaults, and also whether advanced users could easily change them.

Where security applications are concerned, however, performance and effectiveness outweigh design, so the bulk of our scoring depended on how well a suite detected and disinfected malware, along with how fast it scanned. We also considered price, support, and features in the final rankings.

Internet Security Suites: Read Our Reviews

1. [Symantec Norton Internet Security 2009](#)
2. [BitDefender Internet Security 2009](#)
3. [Panda Internet Security 2009](#)
4. [McAfee Internet Security Suite 2009](#)
5. [Avira Premium Security Suite 8.2](#)
6. [Kaspersky Internet Security 2009](#)
7. [F-Secure Internet Security 2009](#)
8. [Webroot Internet Security Essentials](#)
9. [Trend Micro Internet Security Pro 2009](#)

■ [Top Internet Security Suites](#) (chart)

For additional security news coverage, reviews of security programs, and tips on making your computing experience safer, see our [Security Topic Center](#).

EXHIBIT D

EXHIBIT D

B12 WEDNESDAY, JULY 1, 2009

inland
2.4GHz WIRELESS
MULTIMEDIA KEYBOARD
AND OPTICAL MOUSE

#5910764 Limit 1 Per Customer

\$17⁹⁹

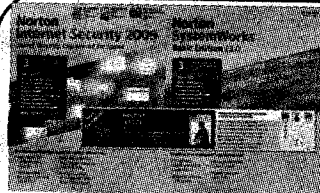
Kingston
32GB
DATATRaveler G2
USB FLASH DRIVE

Limit 1 Per Customer
#5838143**\$64⁹⁹**

TDK
NO REBATE
REQUIRED!
100-PACK
SPINDLE
DVD-R
#4525107

\$19⁹⁹

TDK
DVD+R
#4525087

YOUR BEST SOFTWARE BUYS ARE ALWAYS AT FRY'S!

Norton
from symantec

**Norton Internet Security 2009/
SystemWorks Basic 12/
Ghost 14**

\$69⁹⁹ - 50 - 20 = FREE

In-Store Mail-In **Upgrade After All
Price Rebate Rebate Rebates

Limit 1 Per Customer

PC-CD ROM #5778092

*Rebate Offer Does Not Refund the Sales Tax Paid by the Customer. **Upgrade Rebate Requires Proof of Previous Ownership

YOUR BEST BUYS ARE ALWAYS AT FRY'S!

XBOX 360

BLAZBLUEAVAILABLE TOMORROW
BY NOON***\$59⁷⁴**

EACH

VIDEO GAME

#5892233/

#5892243

LIMITED EDITION

**COREL****PAINTSHOP PRO X2****\$59⁹⁹**

In-Store Price

- 40⁰⁰

Mail-In Rebate

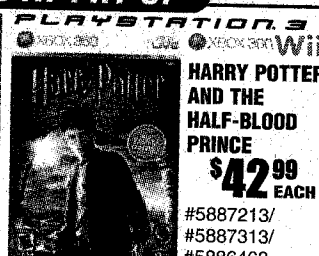
- 20⁰⁰

**Upgrade Mail-In Rebate

FREE After All Rebates

Limit 1 Per Customer

PC CD-ROM #5392378



XBOX 360

**HARRY POTTER
AND THE
HALF-BLOOD
PRINCE****\$42⁹⁹**

EACH

#5887213/

#5887313/

#5886463



XBOX 360

**ICE AGE
DAWN OF THE
DINOSAURS****\$1**

#593

#593

#593



XBOX 360

STREET FIGHTER**\$24⁷⁷**

DIGITAL COPY INCLUDED

\$15⁷⁷

#5920464

BLU-RAY MOVIE #5920454



XBOX 360

**STAR WARS
THE FORCE
AWAKENS****\$24⁷⁷**

DIGITAL COPY INCLUDED

\$15⁷⁷

#5920434

BLU-RAY MOVIE #5920444



XBOX 360

**STAR WARS
THE FORCE
AWAKENS****\$1**

#593

#593

#593



SONY
40"
1080P
LCD
HDTV

- HD Tuner
- 4 HDMI Inputs
- S-Force Audio
- Bravia Engine

#5582910

SAVE \$300**\$1099**

Before Savings



SAMSUNG SERIES 6 LCD TV ToC
46"
120Hz
1080P
HDTV

- 1920x1080 Resolution
- 80k:1 Dynamic Contrast Ratio
- Energy Star Complaint
- Infolink RRS

#5908474

* Promo Code Automatically Applied In-Store

\$1399

After \$400 Savings and

Before Promo CODE 200*

Regular Price \$1799



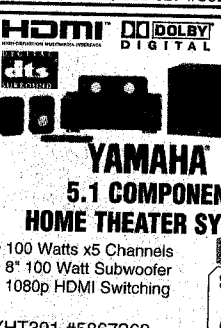
**NOISE
CANCELING
STEREO
HEADPHONES**

- Compact Foldable Design
- Leather Ear Pads
- Airplane Plug Adapter

#4959031

SAVE \$10**\$14⁹⁰**

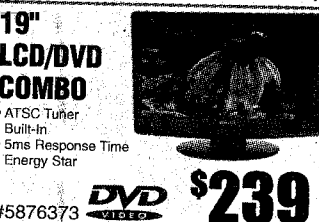
AFTER SAVINGS



YAMAHA
5.1 COMPONENT
HOME THEATER SY

- 100 Watts x5 Channels
- 8" 100 Watt Subwoofer
- 1080p HDMI Switching

YHT391 #5867363



**19"
LCD/DVD
COMBO**

- ATSC Tuner
- Built-In
- 5ms Response Time
- Energy Star

#5876373

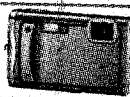
\$239

SAMSUNG DVD
DVD PLAYER

- Progressive Scan DVD Player
- Playback DVD±R/RW
- USB Input

#5853883

Limit 1 Per Customer

\$34

OLYMPUS
STYLUS TOUGH 12 MEGAPIXEL
WATERPROOF DIGITAL CAMERA

- 3.6 Optical Zoom • Dual Image Stabilization

Limit 1 Per Customer

Tough 8000 Silver #5853463

GET 15% OFF SELECT**ACCESSORIES**

WITH THE PURCHASE OF ANY

CAMERA OR CAMCORDER

See Sales Associate for Details.



Panasonic
FLASH CAMCORDER

- 2.7" Wide LCD • Optical 70x Ultra Zoom
- SD/SDHC Card Slot • 1/8" CCD

Limit 1 Per Customer

SDR-S26K #5909524

SAVE \$30**\$299**

Before Savings



SUMAS
IN-DASH
CD/DVD
RECEIVER

WITH 4" LCD

- SD Card, USB Port/Slot • Rear Camera Input
- 60W x4 Peak Output Power

SM4800

#5692131

SAVE \$30**\$149**

Before Savings



KENWOOD
MP3/WMA USB/CD RECEIVER

- Front AUX Input
- Front USB 2.0 Input
- iPod* Ready

KDC-MP442U #5854183

SAVE \$30**\$157**

Before Savings



uniden
DECT 6.0 INTERFERENCE-FREE
CORDED/CORDESS 3 HANDSET PHONE
WITH DIGITAL ANSWERING MACHINE

- Caller ID/Caller Waiting • Speakerphone

Refurbished to Original

Factory Specifications

DECT2088-2

#5955834

\$49⁹⁹

12 MONTHS NO INTEREST

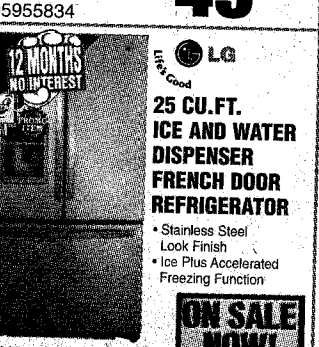
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EXHIBIT E

EXHIBIT E

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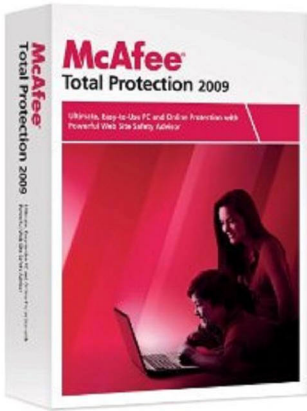
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

I, the undersigned, am employed at the Law Offices of Howard Strong, Postal Box 570092, Tarzana, CA 91357-0092 in the County of Los Angeles.

On the date below, I served the foregoing document(s) described as:

Master File CASE NO. C 07 2852 VRW

**(1) OBJECTIONS TO FINAL APPROVAL OF PROPOSED
SETTLEMENT BY RICHARD HOLOBER;
(2) NOTICE OF INTENTION TO APPEAR AT HEARING ON FINAL
APPROVAL ON SEPTEMBER 10, 2009,
(3) NOTICE OF INTERVENTION,
(4) JOINDER IN OBJECTIONS OF ORIGINAL CLASS
REPRESENTATIVE MATHEW ELVEY**

___ by placing true copies thereof enclosed in a sealed envelope or envelopes addressed as stated on the attached mailing list:

X by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

CLASS COUNSEL	DEFENSE COUNSEL
KamberEdelson, LLC 350 North LaSalle, Suite 1300 Chicago, IL 60654	Mayer Brown LLP 71 S. Wacker Drive Chicago, IL 60606

BY PERSONAL SERVICE: ___ I delivered such envelope or envelopes by hand:

BY MAIL: X I deposited such envelope or envelopes in the United States mail at Los Angeles, California. The envelope or envelopes were mailed with first class postage thereon fully prepaid.

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BY FAX: ___ I faxed a copy of aforesaid document to Fax # at approximately on the date below.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Date: July 9, 2009

H. Strong: /s/ Howard Strong