

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DEVI KHODAY and DANISE
TOWNSEND, on behalf of themselves and
all others similarly situated,

Civil No. 11-180 (JRT-TNL)

CLASS ACTION

Plaintiffs,

v.

**ORDER GRANTING APPROVAL OF
PLAN FOR NOTICE OF CLASS
PENDENCY**

SYMANTEC CORP., and DIGITAL
RIVER, INC.,

Defendants.

On March 31, 2014, this Court certified the following Class:

All persons in the United States who purchased Extended Download Service (“EDS”) for Norton products or Norton Download Insurance (“NDI”) between January 24, 2005 and March 10, 2011 (the “Class Period”). [Docket No. 274]

Therefore, pursuant to Rule 23(c)(2)(B) of the Federal Rules of Civil Procedure, and based upon the record and submissions of the Parties;

IT IS HEREBY ORDERED THAT:

1. Plaintiffs’ Unopposed Motion for Approval of Proposed Plan for Notice of Class Pendency (“Motion”) is GRANTED.

2. The Notice of Pendency of Class Action sent via email (“Email Notice”); the long form Notice of Pendency of Class Action available online (“Full Notice”); and the multi-media Publication Notice program (“Publication Notice”) are hereby approved as to form. *See* Ex. 1, Declaration of Andrew N. Friedman, Attachments A (Email Notice) & B; (Full Notice); *see also* Ex. 2, Declaration of Jennifer M. Keough of Garden City Group, Inc..

3. To the extent available and not already produced, Defendants shall produce

to Plaintiffs' counsel and Garden City Group, Inc., the names, email and street addresses of all members of the Class.

4. Garden City Group, Inc., as the Notice Administrator (the "Notice Administrator"), shall cause the Email Notice to be disseminated, in substantially the form attached as Exhibit A to the Friedman Declaration in support of the Motion, by sending it out via e-mail to members of the Class by no earlier than five (5) business days following entry of this Order. The Email Notice shall direct Class Members to a website – maintained by the Notice Administrator – which will contain, *inter alia*, the full Notice (Exhibit B); this Preliminary Approval Order; Plaintiffs' Amended Class Action Complaint; and a copy of this Court's March 31, 2014 Class Certification Order. The Notice Administrator shall also implement the Publication Notice program through a four-week Social Media and Google advertising campaign and issuance of a press release through *PR Newswire*. The Publication Notice program shall direct Class Members to the dedicated website, and/or to contact the Notice Administrator for more information. The Publication Notice program is hereby approved as to form and shall be substantially in the form described in the Garden City Declaration attached to the Motion for Approval. The Publication Notice program shall be launched as described above by no earlier than five (5) business days following entry of this Order.

5. Tracking and reporting of Persons eligible to be Class Members who request exclusion (the "Opt-Outs") shall be compiled by the Notice Administrator and reported to the Parties and the Court. Class Members who wish to exclude themselves (opt out) from the Class must submit a written Request for Exclusion. To be effective, such a request must include the Class Member's name, mailing address, e-mail address, the signature of the Class Member (or, in the case of a Person who is deceased or incapacitated only, the signature of the legally authorized representative of that Class Member), and substantially the following statement, "I want to opt out of the Class certified in the *Khoday v. Symantec* litigation." Requests for Exclusion may be submitted

via First Class U.S. Mail paid by the Class Member and sent to the Notice Administrator at the address provided in the Email Notice or Full Notice. Requests for Exclusion must be submitted no later than 60 days from the first date Email Notice is disseminated. The Notice Administrator shall log each Request for Exclusion that is received, and shall provide copies of the log and all such Requests for Exclusion to the Parties within five (5) business days after the deadline fixed for Class Members to request exclusion.

6. The Notice Administrator is directed to file with the Court and serve upon Class Counsel, no later than 20 days after the termination of the Publication Notice, a declaration confirming that dissemination of the Notice to the Class has taken place in accordance with this Order.

7. The Court finds that the dissemination of the Notice under the terms and in the format provided for in the Motion and this Order constitutes the best notice practicable under the circumstances, that it is due and sufficient notice for all purposes to all persons entitled to such notice, and that it fully satisfies the requirements of due process and all other applicable laws.

IT IS SO ORDERED.

DATED: June 26, 2014

s/John R. Tunheim
John R. Tunheim
United States District Judge