

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Stanford Glaberson, et. al,	§	Civ. No. 03-6604 (JP)
	§	The Honorable John R. Padova
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
Comcast Corporation, et al.	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF’S MOTION FOR CERTIFICATION OF A SETTLEMENT CLASS AND
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Stanford Glaberson, by his undersigned counsel, respectfully moves for an Order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure granting preliminary approval of a settlement agreement between Plaintiff Stanford Glaberson (“Class Plaintiff”), individually and as representative of the Philadelphia Settlement Class as defined in the Class Action Settlement Agreement, and Defendants Comcast Corporation, Comcast Holdings Corporation, Comcast Cable Communications Inc., Comcast Cable Communications Holdings Inc. and Comcast Cable Holdings LLC (collectively “Comcast”).

Pursuant to the Class Action Settlement Agreement, a copy of which with Exhibits A – H thereto is attached as Exhibit 1 to and described in the accompanying Memorandum of Law, Comcast has agreed, in exchange for the release of claims by Plaintiff and the Philadelphia Settlement Class in this litigation, to provide a Settlement Fund of \$50,000,000 comprised of a settlement cash amount of \$16,670,000 (“Settlement Cash Amount”) and services valued at \$33,330,000 (the “Settlement Credits”). Under the settlement, current subscribers of video programming services (other than solely to basic cable services) from Comcast will be entitled to elect either a one-time credit of \$15 off their bill, or the following Comcast services: (a) six free

pay-per-view movies (an estimated \$35.94 value), or (b) for customers who also subscribe to Xfinity® high speed internet service, four months free upgrade in internet service from Performance Level to Blast!® service (an estimated \$40 value), or one free month upgrade from Blast!® service to Extreme 105 service (an estimated \$38 value); or (c) two free months of The Movie Channel (an estimated \$43.90 value). Current subscribers who do not elect either the \$15 bill credit or from the above services will automatically receive two free months of The Movie Channel (an estimated \$43.90 value) without having to submit a claim form. Class members who are former subscribers will be entitled, upon submission of a valid claim form, to payment of \$15 cash. The settlement further provides that there will be no reverter of any portion of the settlement (cash or services benefits) to Comcast.

Pursuant to Fed. R. Civ. P. 23(e), Plaintiff respectfully requests that the Court enter an Order:

- (a) Preliminarily approving the Class Action Settlement Agreement;
- (b) Certifying the proposed Philadelphia Settlement Class as defined in the Class Action Settlement Agreement;
- (c) Appointing Plaintiff Stanford Glaberson as representative of the Philadelphia Settlement Class;
- (d) Appointing current Co-Lead Counsel, David Woodward, Heins Mills & Olson, P.L.C. and Barry Barnett, Susman Godfrey L.L.P., as counsel for the Class pursuant to Fed. R. Civ. P. 23(g);
- (e) Appointing Rust Consulting, Inc. as Settlement Administrator;
- (f) Approving the proposed form and manner of notice to the Philadelphia Settlement Class set forth in the Class Action Settlement Agreement, specifically the claim form

for current subscribers, the claim form for former subscribers, the summary notice billing insert for subscribers receiving invoices by mail, the summary notice email notice for current subscribers who receive paperless invoices, the publication notice and the detailed (long form) notice to be available on a dedicated settlement web site (Class Action Settlement Agreement, Exs. A, B, D, E, F and G, respectively);

(g) Staying these proceedings until such time as the Court renders a final decision regarding the approval of the Class Action Settlement Agreement and, if it approves the Settlement, enters final judgment and dismisses this action with prejudice;

(h) Adopting the proposed settlement schedule set forth in the Class Action Settlement Agreement and [Proposed] Order Certifying a Settlement Class and Preliminarily Approving Class Action Settlement Agreement (attached as Exhibit C to Class Action Settlement Agreement), including scheduling a fairness hearing during which the Court will consider:

- (i) Plaintiff's request for final approval of the settlement and entry of a proposed final approval order and Final Judgment (Class Action Settlement Agreement, Ex. H);
- (ii) Plaintiff's Class Counsel's application for an award of attorney fees and reimbursement of expenses, payment of administrative costs, and a service award to Plaintiff; and
- (iii) Plaintiff's request for dismissal of this action with prejudice against Comcast and Releases as defined in the Class Action Settlement Agreement.

(i) Granting such other and further relief as may be appropriate.

This Motion is supported by the Class Action Settlement Agreement; Plaintiff's Memorandum of Law in Support of Motion for Preliminary Approval; the Declaration of Professor Eric Green; the Declaration of Katherine Kinsella; the Declaration of David Woodward; all pleadings filed in this case; and such additional evidence or argument as may be presented to the Court.

Pursuant to LR 7.1(b), the parties have conferred and Comcast's counsel has advised Plaintiff's counsel that Comcast does not contest this motion but intends to submit a brief response.

WHEREFORE, based on the foregoing, and for the reasons set forth in the accompanying Memorandum of Law, we respectfully urge the Court to grant Plaintiff's Motion.

Dated: October 28, 2014

Respectfully submitted,

s/ David Woodward
Samuel D. Heins
Vincent J Esades
David Woodward
Jessica N. Servais
HEINS MILLS & OLSON, P.L.C.
310 Clifton Avenue
Minneapolis, Minnesota 55403
Telephone: 612-338-4605
Facsimile: 612-338-4692
sheins@heinsmills.com
vesades@heinsmills.com
dwoodward@heinsmills.com
jservais@heinsmills.com

Barry Barnett
Daniel H. Charest
LeElle Krompass
SUSMAN GODFREY L.L.P.
901 Main Street, Suite 5100
Dallas, Texas 75202-3775
Telephone: 214-754-1900
Facsimile: 214-754-1933

bbarnett@susmangodfrey.com
dcharest@susmangodfrey.com
lkrompass@susmangodfrey.com

Joseph Goldberg
FREEDMAN BOYD HOLLANDER
GOLDBERG URIAS & WARD, P.A.
20 First Plaza, Suite 700
Albuquerque, New Mexico 87102
Telephone: 505-842-9960
Facsimile: 505-842-0761
jg@fbdlaw.com

Attorneys for Class Plaintiff

CERTIFICATE OF CONFERENCE

Sheron Korpus, counsel of record for Comcast, has advised that Comcast does not oppose this Motion but plans on submitting its own brief statement in response.

s/ David Woodward

David Woodward

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on this day, October 28, 2014, he caused to be served copies of the foregoing Motion; Plaintiff's Memorandum of Law in Support of Motion for Preliminary Approval; Exhibit 1 - Class Action Settlement Agreement; Declaration of Eric Green; Declaration of Katherine Kinsella; and Declaration of David Woodward on the following counsel by the Court's ECF system.

Sheron Korpus
KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP
1633 Broadway
New York, NY 10019
skorpus@kasowitz.com
(via ECF and email)

N. Norman Goldberger
BALLARD SPAHR ANDREWS &
INGERSOLL LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
may@ballardspahr.com
(via ECF and email)

Christopher Hockett
DAVIS, POLK & WARDWELL
1600 El Camino Real
Menlo Park, CA 94025
(via ECF and email)

Dana M. Seshens
DAVIS, POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
(via ECF and email)

s/ David Woodward

David Woodward