

**FARUQI & FARUQI, LLP**  
Benjamin Heikali (SBN 307466)  
Joshua Nassir (SBN 318344)  
10866 Wilshire Boulevard, Suite 1470  
Los Angeles, CA 90024  
Telephone: (424) 256-2884  
Facsimile: (424) 256-2885  
E-mail: bheikali@faruqilaw.com  
jnassir@faruqilaw.com

**THE WAND LAW FIRM, P.C.**  
Aubry Wand (SBN 281207)  
400 Corporate Pointe, Suite 300  
Culver City, CA 90230  
Telephone: (310) 590-4503  
Facsimile: (310) 590-4596  
E-mail: awand@wandlawfirm.com

**FARUQI & FARUQI, LLP**  
Timothy J. Peter (admitted *pro hac vice*)  
1617 JFK Boulevard, Suite 1550  
Philadelphia, PA 19103  
Telephone: (215) 277-5770  
Facsimile: (215) 277-5771  
E-mail: tpeter@faruqilaw.com

*Attorneys for Plaintiffs and the Settlement Class*

**THE LAW OFFICES OF DAVID A. MAKMAN**  
David A. Makman (SBN 178195)  
483 Seaport Court, Suite 103  
Redwood City, CA 94063  
Telephone: (650) 242-1560  
E-mail: david@makmanlaw.com

**LAW OFFICE OF SAM MIORELLI, P.A.**  
Sam A. Miorelli (admitted *pro hac vice*)  
1141 Mission Ridge Court  
Orlando, FL 32835  
Telephone: (352) 458-4092  
E-mail: sam.miorelli@gmail.com

*Attorneys for Objector Eric Michael Lindberg*

*[Additional Counsel Listed on Following Page]*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

THEODORE BROOMFIELD, *et al.*,

Plaintiffs,

v.

CRAFT BREW ALLIANCE, INC.,

Defendant.

CASE NO.: 5:17-cv-01027-BLF

**STIPULATION AND ~~PROPOSED~~  
ORDER RE: DISMISSAL OF MR.  
LINDBERG'S APPEAL**

1 **SHOOK, HARDY & BACON L.L.P.**

2 Tammy B. Webb (SBN 227593)  
3 John K. Sherk III (SBN 295838)  
4 Matthew F. Williams (SBN 323775)  
5 One Montgomery, Suite 2700  
6 San Francisco, CA 94104  
7 Telephone: (415) 544-1900  
8 Facsimile: (415) 391-0281  
9 E-mail: tbwebb@shb.com  
10 jsherk@shb.com  
11 mwilliams@shb.com

12 *Attorneys for Defendant Craft Brew Alliance, Inc.*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Faruqi & Faruqi, LLP and the Wand Law Firm, P.C. (“Class Counsel”), Defendant Craft  
2 Brew Alliance, Inc. (“CBA”), by and through its counsel Shook, Hardy & Bacon L.L.P., and  
3 Objector Eric Michael Lindberg (“Mr. Lindberg”), by and through his counsel Sam Miorelli (“Mr.  
4 Miorelli”) and David A. Makman (“Mr. Makman”) (collectively, “the Parties”), hereby stipulate as  
5 follows:

6 **RECITALS**

7 **WHEREAS**, on September 2, 2019, Plaintiffs filed a Motion for Attorneys’ Fees and Costs  
8 and Class Representative Service Awards. ECF No. 121.

9 **WHEREAS**, on October 7, 2019, Mr. Lindberg filed an Objection to the Settlement  
10 (“Lindberg Objection”). ECF No. 130.

11 **WHEREAS**, on October 29, 2019, Plaintiffs filed a Motion for Final Approval. ECF No.  
12 136. The Court held a hearing on the Motion for Final Approval and Motion for Attorneys’ Fees on  
13 December 19, 2019, at which Mr. Lindberg’s counsel, Mr. Miorelli, made oral argument in support  
14 of the Objection. The Court took both motions under submission, and ultimately granted them on  
15 February 5, 2020 (“Final Approval Order”). ECF No. 151.

16 **WHEREAS**, on February 11, 2020, the Court entered a Final Judgment. ECF No. 154.

17 **WHEREAS**, on March 3, 2020, Mr. Lindberg filed a notice of appeal to the Ninth Circuit  
18 Court of Appeals regarding the Final Approval Order and Final Judgment. ECF No. 155.

19 **WHEREAS**, on March 20, 2020, Plaintiffs filed a Motion for Appeal Bond. ECF No. 158.  
20 The Court granted the motion on April 13, 2020. ECF No. 164. On April 27, 2020 Mr. Lindberg  
21 deposited \$3,000 in the Court’s Registry in satisfaction of the appeal bond order. ECF Nos. 167 and  
22 168. On May 13, 2020, Mr. Lindberg filed an amended notice of appeal to the Ninth Circuit Court  
23 of Appeals regarding the Court’s Order: (a) Granting Plaintiffs’ Motion for Final Approval of Class  
24 Action Settlement, (b) Granting Plaintiffs’ Motion for Attorneys’ Fees and Costs and Class  
25 Representative Service Awards and Judgment, and (c) Granting Plaintiffs’ Motion for Appeal Bond  
26 (“Appeal”). ECF No. 169.

27 **WHEREAS**, with the foregoing in mind, and with the assistance of the Ninth Circuit  
28 Mediator, Sasha M. Cummings, Class Counsel and CBA negotiated with Mr. Lindberg and reached

1 a settlement agreement that they signed with him on May 22, 2020. A true and correct copy of the  
2 agreement between the Parties thereto (“Agreement”) is attached hereto as **Exhibit A**;

3 **WHEREAS**, on May 26, 2020, Mr. Lindberg conditionally dismissed his Appeal pursuant  
4 to the terms of the Agreement, such that jurisdiction is now present in this Court to approve the  
5 instant stipulation (*see* May 27, 2020 Order conditionally dismissing appeal, attached hereto as  
6 **Exhibit B**);

7 **WHEREAS**, Mr. Miorelli and Mr. Makman represent that they have performed 143.20  
8 hours of work on the matter at the hourly rates of \$433 and \$370 respectively, resulting in a reported  
9 total lodestar of \$61,690.60, and that they have expended sums in the amount of \$2,012.96, relating  
10 to the matter;

11 **WHEREAS**, the Agreement provides that, subject to this Court’s approval and other  
12 conditions, Mr. Lindberg shall be paid a total sum of \$33,000.00, of which CBA shall be responsible  
13 for paying \$7,500.00, and Class Counsel shall be responsible for paying \$25,500.00. Ex A ¶ 1.1(a);

14 **WHEREAS**, this payment to Mr. Lindberg from CBA and Class Counsel will not reduce  
15 the recovery to the Class whatsoever; and

16 **WHEREAS**, this Stipulation is subject to approval by the Court pursuant to Federal Rule of  
17 Civil Procedure 23(e)(5)(B).

18 **STIPULATION**

19 Based on the foregoing, IT IS HEREBY STIPULATED BY THE PARTIES THAT:

20 Mr. Lindberg shall be paid a total sum of \$33,000.00, of which CBA shall be responsible for  
21 paying \$7,500.00, and Class Counsel shall be responsible for paying \$25,500.00, pursuant to the  
22 terms of the Agreement, such that Mr. Lindberg’s Appeal shall be dismissed with prejudice. Any  
23 appeal bond funds currently in the District Court’s registry held in Mr. Lindberg’s name in  
24 connection with his appeal in this case shall be returned to Mr. Lindberg.

25 Dated: May 27, 2020

**FARUQI & FARUQI, LLP**

27 /s/ Timothy J. Peter  
28 Timothy J. Peter  
Benjamin Heikali

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Joshua Nassir

The Wand Law Firm, P.C.  
Aubry Wand

*Attorneys for Plaintiffs and the Settlement Class*

Dated: May 27, 2020

**SHOOK, HARDY & BACON L.L.P.**

/s/ Tammy B. Webb  
Tammy B. Webb  
John K. Sherk III  
Matthew F. Williams

*Attorneys for Defendant Craft Brew Alliance, Inc.*

Dated: May 27, 2020

**LAW OFFICE OF SAM MIORELLI, P.A.**

/s/ Sam A. Miorelli  
Sam A. Miorelli

The Law Offices of David A. Makman  
David A. Makman

*Attorneys for Objector Eric Michael Lindberg*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION OF E-FILED SIGNATURE**

I, Sam Miorelli, am the ECF User whose ID and password are being used to file the foregoing document in compliance with Civil L.R. 5-1(i)(3). I attest that all other signatories listed, and on whose behalf the filing is being submitted, concur in the filing’s content and have authorized the filing of this stipulation.

Dated: May 27, 2020

By: /s/ Sam Miorelli  
Sam Miorelli

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

Pursuant to the Stipulation between Class Counsel, Defendant Craft Brew Alliance, Inc. and Objector Eric Michael Lindberg, and consistent with Federal Rule of Civil Procedure 23(e)(5)(B), it is hereby ordered that Objector Eric Michael Lindberg shall be paid the total sum of \$33,000.00, of which Defendant Craft Brew Alliance, Inc. shall be responsible for paying \$7,500.00 and Class Counsel shall be responsible for paying \$25,500.00.

The Clerk is hereby ordered to return any appeal bond funds currently in the District Court's registry held in Mr. Lindberg's name in connection with his appeal in this case.

**IT IS SO ORDERED.**

DATED: June 30, 2020 \_\_\_\_\_



\_\_\_\_\_  
Honorable Beth Labson Freeman  
United States District Judge