1 Eric H. Gibbs (State Bar No. 178658)
   David Stein (State Bar No. 257465)
2 **GIRARD GIBBS LLP**
   601 California Street, 14th Floor
3 San Francisco, California 94104
   Telephone: (415) 981-4800
4 Facsimile: (415) 981-4846
   Email: ehg@girardgibbs.com
5
6 *Class Counsel*
7
8
9   **UNITED STATES DISTRICT COURT**
               NORTHERN DISTRICT OF CALIFORNIA
10   **OAKLAND DIVISION**
11
   DENO MILANO,   Case No. 10-CV-2125-CW
12
              Plaintiff,   **PLAINTIFF'S NOTICE OF MOTION AND**
13   **MOTION FOR PRELIMINARY APPROVAL**
         vs.   **OF AMENDED CLASS SETTLEMENT**
14
   INTERSTATE BATTERY SYSTEM OF
15 AMERICA, INC.; INTERSTATE BATTERY   Date: March 08, 2012
   SYSTEM INTERNATIONAL, INC.,   Time: 2:00 p.m.
16   Judge: Hon. Claudia Wilken
              Defendants.
17
18
19
20
21
22
23
24
25
26
27
28

1   PLEASE TAKE NOTICE that on March 08, 2012, at 2:00 p.m. before the Honorable Claudia

2   Wilken in Courtroom 2, Oakland Courthouse, United States District Court for the Northern District of

3   California, 1301 Clay Street, Oakland, California, Plaintiff Deno Milano will and hereby does move for

4   an order (i) preliminarily approving the parties' Amended Class Action Settlement Agreement, (ii)

5   conditionally certifying the proposed settlement class under Federal Rule of Civil Procedure 23(b)(2),

6   (iii) re-appointing Plaintiff Deno Milano as the class representative and his counsel, Girard Gibbs LLP,

7   as class counsel, (iv) approving the parties' proposed notice plan (v) re-appointing Jennifer Keough and

8   the Garden City Group as settlement administrator, and (vi) setting a hearing date and briefing schedule

9   for final approval of the settlement and consideration of Plaintiff's fee application.

10   The motion is based on this notice; the accompanying Memorandum of Points and Authorities,

11   the Declaration of Eric H. Gibbs and all attachments thereto (including the Amended Class Action

12   Settlement Agreement); and all other papers filed and proceedings had in this action.

13

14   DATED: February 16, 2012   Respectfully submitted,

15   **GIRARD GIBBS LLP**

16

17   By: /s/ *Eric H. Gibbs*
                                                                        Eric H. Gibbs

18
                                                                David Stein
19   601 California Street, Suite 1400
                                                                San Francisco, California 94104
20   Telephone: (415) 981-4800
                                                                Facsimile: (415) 981-4846
21

22   *Class Counsel*

23

24

25

26

27

28

1