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FILED
CLERK, U S DISTRICT COURT
MAY 15 2006
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RYAN RODRIGUEZ, REENA B.
FRAILICH, LOREDANA NESCI,
JENNIFER BRAZEAL and LISA
GINTZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

WEST PUBLISHING
CORPORATION, a Minnesota
Corporation dba BAR/BRI, and
KAPLAN, Inc., a Delaware
corporation,

Defendants.

CASE NO. CV 05-3222 R(MCx)
Assigned to The Hon. Manuel L. Real

~~PROPOSED~~ ORDER GRANTING
MOTION FOR CLASS
CERTIFICATION

DOCKETED ON CM
MAY 16 2006
BY [Signature] 012

AND CONSOLIDATED ACTION

This matter having come before this Court upon motion by Plaintiffs in the
above-captioned case, and after having considered the briefs filed and arguments
made by counsel, IT IS HEREBY ORDERED:

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1 Plaintiffs' motion for class certification is **GRANTED**. The class shall be
2 defined as:

3 All persons who purchased a bar review course from
4 BAR/BRI in the United States from August 1997 to the
5 present.

6 Certification of this class is appropriate because:

7 1. The class is so numerous that joinder of all members is impracticable,
8 satisfying the requirement of Rule 23(a)(1);

9 2. There are questions of law or fact common to the class, satisfying the
10 requirements of Rule 23(a)(2);

11 3. The claims of the representative parties are typical of the claims of the
12 class, satisfying the requirements of Rule 23(a)(3);

13 4. The plaintiffs will fairly and adequately protect the interests of the
14 class, satisfying the requirements of Rule 23(a)(4);

15 5. Questions of law or fact common to the members of the class
16 predominate over questions affecting only individual members;

17 6. A class action is superior to other methods available for the fair and
18 efficient adjudication of the controversy, satisfying the requirements of
19 Rule 23(b)(3);

20 7. The law firm of McGuireWoods LLP will fairly and adequately
21 represent the interests of the class as Class Counsel, satisfying the requirements of
22 Rule 23(g)(1); and

23 8. This action is manageable as a class action.

24 IT IS FURTHER ORDERED THAT Plaintiffs Ryan Rodriguez, Reena B.
25 Frailich, Loredana Nesci, Jennifer Brazeal, Lisa Gintz, Kari Brewer and Lorraine
26 Rimson shall serve as class representatives for the class certified herein.

27 IT IS FURTHER ORDERED THAT McGuireWoods LLP is appointed Class
28 Counsel for the class certified herein.

SCANNED


1 IT IS FURTHER ORDERED THAT no later than seven days after the date of
2 this Order, the parties through their counsel shall meet and confer to determine the
3 most cost-effective and efficient means to provide adequate notice to the class, and
4 advise the Court of any such agreement. If no agreement is reached, the parties
5 shall submit to this Court, no later than seven days thereafter, their proposed means
6 of providing adequate notice to the class.

7 IT IS FURTHER ORDERED THAT the parties are to meet and confer on a
8 proposed form of notice to be mailed to the class by Plaintiffs and submit the same
9 to the Court not later than seven days after the date of this Order. If no agreement is
10 reached, the parties shall submit to this Court their proposed form of notice no later
11 than seven days thereafter.

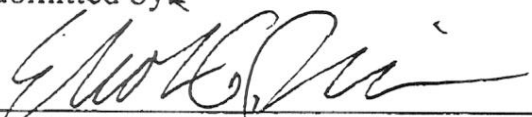
12 With respect to the nature and form of notice, the Court shall then rule or
13 schedule a hearing, as it deems necessary in its sole discretion.

14 IT IS SO ORDERED.

15
16 Dated: May 15, 2006


17 HONORABLE MANUEL L. REAL
18 United States District Judge

19 Submitted by:

20 
21
22 One of Plaintiffs' attorneys,
23 Eliot G. Disner, Esq.
24 A Professional Corporation

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