

1 Gregory N. Karasik SBN 115834
2 greg@spiromoss.com
3 Spiro Moss LLP
4 11377 W. Olympic Blvd., Fifth Floor
5 Los Angeles, CA 90064
6 Telephone: (310) 235-2468
7 Facsimile (310) 235-2456

8 Attorneys for Plaintiff
9 MICHAEL BATEMAN

10
11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 MICHAEL BATEMAN, individually
16 and on behalf of all others similarly
17 situated,

18 Plaintiffs

19 v.

20 AMERICAN MULTI-CINEMA, INC.;

21 and DOES 1-10,

22 Defendants.

23 Case No. CV 07-00171 JHN-AJWx

24 **CLASS ACTION**

25 **DECLARATION OF GREGORY N.**
26 **KARASIK IN SUPPORT OF**
27 **MOTION FOR FINAL APPROVAL**
28 **OF CLASS ACTION SETTLEMENT**

Date: September 26, 2011
Time: 10:00 a.m.
Ctm: 790 (Roybal)

I, Gregory N. Karasik, declare:

1. I am an attorney licensed to practice law in the state of California and have been admitted to practice before this Court. I am lead counsel for plaintiff Michael Bateman ("Plaintiff") in this action. I have personal knowledge of the matters stated herein and if called and sworn as a witness, I would and could competently testify under oath thereto.

2. Since preliminary approval of the settlement reached with defendant American Multi-Cinema, Inc. ("AMC") by the Court on March 22, 2011, our office to date has received a total of 905 claims from class members. 893 of these claims were

1 submitted timely; 5 were submitted late that AMC agreed to accept as timely; and 7
2 were submitted late that AMC did not agree to accept as timely. Upon final approval
3 of the Settlement, a total of 282,314 Voucher Packets will be distributed to class
4 members: 898 Voucher Packets (approximately .3% of the 282,314 Voucher Packets)
5 will be mailed to the class members who submitted timely claims distributed to class
6 members and 281,416 Voucher Packets (approximately 99.7% of the 282,314
7 Voucher Packets) will be distributed at AMC theaters. To date, we have not received
8 from any class member a request for exclusion from the Settlement and have only
9 received one objection, from class member Cassie Grimes Hampe.

10 3. In my opinion, final approval of the Settlement would be in the best
11 interests of class members. I believe that we achieved on behalf of Plaintiff an
12 extremely favorable result. The current value of settlement benefits per class member
13 in this case, \$23, is higher than the value of settlement benefits per class member in
14 almost every other FACTA case I am aware of. The aggregate value of the settlement
15 benefits in this case, currently around \$6.5 million, is also higher than the aggregate
16 value of settlement benefits in almost every other FACTA case I am aware of.
17 Continued prosecution of this case presented serious risks, including the risk of an
18 adverse ruling upon rehearing of Plaintiff's motion for class certification and the risk
19 of losing on the merits at trial. Under either of those circumstances, class members
20 other than Plaintiff would have recovered absolutely nothing. In my view, the
21 extremely favorable result achieved by the Settlement far outweighs the risks and
22 uncertainty of continued litigation in this case.

23 I declare under penalty of perjury that the foregoing is true and correct and that
24 this declaration was executed in Los Angeles, California.

25
26 Dated: July 15, 2011

/s/ Gregory N. Karasik
Gregory N. Karasik