

1 MANATT, PHELPS & PHILLIPS, LLP
ROBERT H. PLATT (Bar No. 108533)
2 Email: rplatt@manatt.com
JOSEPH E. LASKA (Bar No. 221055)
3 Email: jlaska@manatt.com
11355 West Olympic Boulevard
4 Los Angeles, California 90064-1614
Telephone: (310) 312-4000
5 Facsimile: (310) 312-4224

6 *Attorneys for Defendant*
AMERICAN MULTI-CINEMA, INC.

7
8 SPIRO MOSS LLP
GREGORY N. KARASIK (Bar No. 115834)
Email: greg@spiromoss.com
9 11377 Olympic Boulevard, Fifth Floor
Los Angeles, California 90064
10 Telephone: (310) 235-2468
Facsimile: (310) 235-2456

11 *Attorneys for Plaintiff*
12 MICHAEL BATEMAN

13
14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

19 Plaintiffs,

20 vs.

21 AMERICAN MULTI-CINEMA, INC.;;
and DOES 1 through 10, inclusive,

22 Defendants.
23

Case No. CV07-00171 JHN (AJWx)

Hon. Jacqueline H. Nguyen

FILED AS CLASS ACTION

**STIPULATION REGARDING THE
APPLICABILITY OF THE CLASS
ACTION FAIRNESS ACT**

Action filed: January 5, 2007

1 Plaintiff Michael Bateman, individually and on behalf of all others similarly
2 situated, and Defendant American Multi-Cinema, Inc. (“AMC”), stipulate as
3 follows:

4 1. On July 13, 2011, the Court issued an order (Dkt. No. 97) for
5 supplemental briefing regarding whether the Class Action Fairness Act of 2005, 28
6 U.S.C. Sections 1711 et seq. (“CAFA”), governs the Court’s analysis of class
7 counsel’s motion for attorneys’ fees and costs. (Dkt. No. 88.) The parties submit
8 this stipulation in response to that order.

9 2. The parties agree that this action is a “class action” subject to CAFA.
10 CAFA applies to civil actions commenced on or after February 18, 2005, *see* P.L.
11 109-2, § 2, 119 Stat. 4, and defines “class action” to include “any civil action filed
12 in a district court of the United States under rule 23 of the Federal Rules of Civil
13 Procedure.” 28 U.S.C. § 1711(2). This putative class action was commenced in
14 this U.S. District Court on January 9, 2007 under Federal Rule of Civil Procedure
15 23, and therefore it is a “class action” generally subject to the provisions of 28
16 U.S.C. Sections 1711 et seq., even though this Court derives its original jurisdiction
17 from 15 U.S.C. Section 1681p and 28 U.S.C. Section 1331.

18 3. By this stipulation, the parties do not express any opinions or waive
19 any arguments regarding the applicability of 28 U.S.C. Section 1712(a) to
20 Plaintiff’s motion for an award of fees, costs and an enhancement payment.
21 Although the parties agree that CAFA applies generally to this case, the parties, as
22 reflected in the opposition and reply briefs filed in connection with Plaintiff’s
23 motion for an award of fees, costs and an enhancement, disagree regarding whether
24 the settlement in this case is a “coupon settlement” within the meaning of Section
25 1712(a).

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IT IS SO STIPULATED.

Dated: July 15, 2011

MANATT, PHELPS & PHILLIPS, LLP
ROBERT H. PLATT
JOSEPH E. LASKA

By: /s/ Joseph E. Laska

Joseph E. Laska
Attorneys for Defendant
AMERICAN MULTI-CINEMA, INC.

Dated: July 15, 2011

SPIRO MOSS LLP
GREGORY N. KARASIK

By: /s/ Gregory N. Karasik

Gregory N. Karasik
Attorneys for Plaintiff
MICHAEL BATEMAN