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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 MICHAEL BATEMAN, individually
12 and on behalf of all others similarly
situated,

13 Plaintiffs
14

15 v.

16 AMERICAN MULTI-CINEMA, INC.;
and DOES 1-10,

17 Defendants.
18

) Case No. CV 07-00171 JHN-AJWx

) **CLASS ACTION**

) **NOTICE OF MOTION AND**
) **MOTION FOR FINAL APPROVAL**
) **OF CLASS ACTION SETTLEMENT**

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

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22 Please take notice that, on September 26, 2011, at 10:00 a.m. or as soon
23 thereafter as counsel may be heard, in Courtroom 790 in the Roybal Federal Building
24 and Courthouse, located at 255 E. Temple Street, Los Angeles, California, plaintiff
25 Michael Bateman ("Plaintiff") will and hereby does move for final approval of the
26 class action settlement reached between Plaintiff and defendant American Multi-
27 Cinema, Inc. ("AMC") that was preliminary approved by the Court on March 22,
28 2011 (the "Settlement"). Specifically, Plaintiff moves for an order:

1 1. Finding and determining that the notice procedure afforded to class
2 members under the Settlement gave them the best notice practicable under the
3 circumstances and satisfied the requirements of law and due process;

4 2. Finding and determining that the Settlement Class, as defined below,
5 meets all of the legal requirements for class certification, and ordering that the
6 following Settlement Class is finally approved and certified as a class for purposes of
7 settlement of this action: All individuals in the United States of America who,
8 between December 4, 2006 and January 29, 2007, used a credit card or debit card to
9 purchase a movie ticket from AMC and were provided at the point of the sale with an
10 electronically-printed receipt on which was printed the first four and the last four
11 digits of the person's credit card or debit card number;

12 3. Finding and determining that the terms of the Settlement are fair,
13 reasonable and adequate to the class and to each class member and that the class
14 members who have not opted out are bound by the Settlement;

15 4. Finding and determining that the Settlement benefits to be provided to
16 Class Members who submitted claims in accordance with the Settlement and other
17 consumers are fair and reasonable and giving final approval to and ordering the
18 distribution of settlement benefits in accordance with the Settlement;

19 5. Determining by separate order the request by Plaintiff for an Award of
20 Attorney's Fees, Costs and Class Representative Enhancement Payment;

21 6. Ordering that, pursuant to the Settlement, all Class Members who did not
22 timely request exclusion from the Settlement are permanently barred from
23 prosecuting against AMC and its parents, predecessors, successors, subsidiaries,
24 affiliates, and trusts, and all of its employees, officers, agents, attorneys, stockholders,
25 fiduciaries, other service providers, and assigns, any of the claims released by them
26 under the Settlement;

27 7. Ordering the parties to comply with the terms of the Settlement;

28 8. Dismissing the action with prejudice and directing the clerk to enter the

1 order of dismissal as a final judgment; and

2 9. Ordering that the Court retains jurisdiction of all matters relating to the
3 interpretation, administration, implementation, effectuation and enforcement of its
4 order and the Settlement.

5 Plaintiff's motion for final approval is made pursuant to Rule 23(e) of the
6 Federal Rules of Civil Procedure on the grounds that the Settlement is fair, reasonable
7 and adequate and is based on this Notice; the Memorandum of Points and Authorities
8 and Declaration of Gregory N. Karasik filed herewith; all other papers on file in this
9 action; and on any oral argument or other matters the Court may take into
10 consideration when ruling on the motion.

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12 Dated: July 15, 2011

SPIRO MOSS LLP

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14 By: /s/ Gregory N. Karasik
Gregory N. Karasik

15 Attorneys for Plaintiff
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