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Attorneys for Plaintiff,

Peter MacKinnon, Jr.

SUPERIOR COURT OF CALIFORNIA

SANTA CLARA COUNTY

PETER MACKINNON, JR., an individual, on behalf of himself, the general public and those similarly situated

Plaintiff,

v.

IMVU, INC.,

Defendant.

Case No. 111 CV 193767

CLASS ACTION

PLAINTIFF'S AMENDED NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND APPLICATION FOR ATTORNEYS' FEES, COSTS AND INCENTIVE AWARDS

Date: February 19, 2016

Time: 9:00 a.m.

Department: 1

Honorable Judge Peter H. Kirwan

1 **TO DEFENDANT IMVU, INC. AND TO ITS ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on February 19, 2016, at 9:00 a.m., in Department 1 of the
3 above-entitled court, located at 191 N 1st Street, San Jose, California 95113, Plaintiff will, and
4 does, move for the following:

- 5 (1) Final approval of the settlement of this class action as set forth in the class action
- 6 Settlement Agreement dated September 16, 2015 (“Settlement Agreement” or “Agreement”);
- 7 (2) Final certification of the proposed Settlement Class as defined in the Settlement
- 8 Agreement;
- 9 (3) Entry of final judgment;
- 10 (4) An award of \$1,150,00 in attorneys’ fees and in expenses; and
- 11 (5) An incentive award of \$10,000 for Plaintiff Peter McKinnon, Jr.

12 This Motion is based on this notice, the supporting Memoranda of Points and Authorities In
13 Support of Final Approval and Application for Attorneys’ Fees, Costs and Incentive Award; the
14 Declaration of Seth A. Safier filed in support of this motion and fee application; the Declaration of
15 Lori Castaneda Regarding Notice and Settlement Administration; the Declaration of Peter
16 MacKinnon, Jr. In Support of Final Approval and Application for Attorneys’ Fees, Costs and
17 Incentive Award; the Declaration of Kevin Henshaw In Support of Final Approval; the declarations
18 and exhibits submitted in support of Plaintiff’s Motion for Preliminary Approval; and the pleadings
19 and papers on file in this action and any other matter of which this Court may take notice.

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Respectfully submitted,
GUTRIDE SAFIER LLP

DATED: January 15, 2016



By: _____
Adam Gutride
Seth A. Safier
Todd Kennedy

Attorneys for Plaintiff, Peter MacKinnon, Jr.

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PROOF OF SERVICE

I, Seth A. Safier, declare:

My business address is 100 Pine Street, Suite 1250, San Francisco, California. I am employed in the County of San Francisco, where this mailing occurs. I am over the age of 18 years and not a party to the within cause.

On January 15, 2016, I served the following documents:

PLAINTIFF’S AMENDED NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND APPLICATION FOR ATTORNEYS’ FEES, COSTS AND INCENTIVE AWARDS;

on the following person(s) in this action by placing a true copy thereof as follows:

William Tarantino, Esq.,
Morrison & Foerster LLP
425 Market Street, San Francisco, CA
94105-2482

BY ELECTRONIC MAIL. I caused said documents to be transmitted by electronic mail to the email address indicated after the address(es) via the Court’s electronic filing system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on January 15, 2016, at San Francisco, California.



Seth A. Safier, Esq.