

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEC 18 2007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/18/07

ANTHONY S. PARK, Individually on Behalf Of:
Himself and On Behalf of All Others Similarly
Situating,

Plaintiff, Case No. 05 Civ. 2931 (WHP)

v.

THE THOMSON CORPORATION

and

THOMSON LEGAL AND REGULATORY,
INC.,

Defendants.

PRELIMINARY APPROVAL ORDER

This matter, having come before the Court for hearing on the motion of counsel for Plaintiff, seeking preliminary approval of a class-wide settlement to which the parties have agreed, and also seeking authorization to disseminate notice to the putative class, approval of the form and content thereof, and the scheduling of a final hearing on the fairness and adequacy of the proposed settlement, and the Court having considered said motion and the arguments of all parties appearing, it is hereby

ORDERED, as follows:

1. This Preliminary Approval Order incorporates by reference the definitions in the Stipulation and Settlement Agreement. All defined terms used herein shall have the same meanings as set forth in the Stipulation and Settlement Agreement.

2. For purposes of settlement only, the Court certifies that this action may proceed as a class action on behalf of a Class consisting of:

all individuals, law firms, or other Persons who have paid the entire cost of one or more qualifying BAR/BRI bar review courses in the United States during the Class Period.

Excluded from the definition of the Class are all officers, employees, and directors of Defendants.

3. That the terms of the Stipulation and Settlement Agreement on behalf of Plaintiff Anthony Park and Defendants The Thomson Corporation and Thomson Legal & Regulatory, Inc. are sufficiently fair, reasonable, and adequate to allow dissemination of the Notice of Pendency of Class Action, Proposed Settlement and Final Hearing (substantially in the form of Exhibit D to the Stipulation and Settlement Agreement) (the "Long Form Notice") to the members of the Class. This determination permitting notice to the Class is not a finding that the Settlement is fair, reasonable, and adequate, but simply a determination that there is reasonable cause to submit the proposed Settlement to the Class and to hold a fairness hearing on final approval of the proposed Settlement.

4. Approval is hereby given to the form and provisions for mailing the Long Form Notice. Within five (5) business days of the entry of this Order, Defendants shall pay \$750,000 into a Settlement Fund, as provided in § 3.4 of the Stipulation and Settlement Agreement, to be used to pay the cost of disseminating the Long Form Notice and processing the claims of Authorized Claimants. The Court Registry Investment System ("CRIS") is hereby designated as the Escrow Agent for purposes of receipt of the amounts deposited into the Settlement Fund. The parties shall submit to the Court any necessary proposed orders for the creating of a CRIS account for this proposed Settlement. By Order of the Court, a different

Escrow Agent may be designated prior to any distribution of the Settlement Fund. The cost of Notice and processing of claims of Authorized Claimants shall be borne as set forth in § 3.5 of the Stipulation and Settlement Agreement.

5. On January 7, 2008, the Settlement Administrator shall commence to mail the Long Form Notice, along with a Claim Form (in substantially the form of Exhibit A to the Stipulation and Settlement Agreement) by United States mail, postage prepaid, to the last known address of each Class Member as reflected in Defendants' records (or as updated by the Settlement Administrator). Defendants shall cooperate with the Settlement Administrator and Plaintiff's Counsel to effectuate mailing of the Long Form Notice.

6. By January 7, 2008, the Settlement Administrator also shall (a) cause the Summary Notice to be published as set forth in § 5.1(b) of the Stipulation and Settlement Agreement; and (b) cause the Summary Notice to be mailed via United States mail, postage prepaid, to the Office Manager or comparable personnel of each law firm listed in *The American Lawyer's* most recent list of the 200 largest law firms. On or before January 7, 2008, the Settlement Administrator shall establish a website which will provide access to the Stipulation and Settlement Agreement, the Long Form Notice, a Claim Form, and the Summary Notice until further order of the Court. The website shall also include (a) neutrally-worded frequently asked questions (with the content of such questions and answers agreed on by the Parties) and (b) contact information for the Settlement Administrator and Class Counsel for Class Members seeking additional information. The website shall recite that Class Members should not contact the Court or BAR/BRJ for information.

7. Requests for exclusion from the Class shall be postmarked no later than March 6, 2008 and addressed as provided in the Long Form Notice and Summary Notice.

Persons requesting exclusion must set forth their full name and current address and list, for each BAR/BRI course for which the requestor paid in full, the year, bar exam state, name at the time of registration with BAR/BRI and BAR/BRI registration number, if known.

8. Any objections to the proposed settlement, or to any application for attorneys' fees and litigation costs and expenses, shall be filed with the Court no later than March 6, 2008. Any such objection must be made in writing and must include a statement of the position to be asserted, the grounds therefor, together with copies of any supporting papers or briefs and proof of membership in the Class, and, if such person wishes to appear at the hearing, a notice of intention to appear, with proof of service no later than March 6, 2008, on the following:

Roy A. Katriel, Esq.
THE KATRIEL LAW FIRM
1101 30th Street, NW Suite 500
Washington, DC 20007
Attorneys for Plaintiff

James P. Tallon, Esq.
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, New York 10022
Attorneys for Defendants

9. Any objecting Class Member may appear at the hearing in person or by counsel and show cause why the proposed settlement should not be approved as fair, reasonable, and adequate, or object to any application for attorneys' fees and reimbursement of litigation costs and expenses provided that he, she, or it has complied with the procedure set forth above. Appearances, if any, by attorneys on behalf of objecting Class Members shall be filed with the Clerk of the Court and served on all counsel by March 6, 2008.

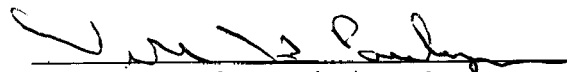
10. If Defendants elect to exercise their option to withdraw from the Settlement pursuant to the provisions of § 10.1 of the Stipulation and Settlement Agreement, they must do so by notifying the Court and Plaintiff's Counsel no later than five (5) business days before the fairness hearing date set forth in Paragraph 12 below.

11. All Authorized Claimants electing to receive any portion of the Settlement Consideration must submit to the Claims Administrator a completed Claim Form via United States First Class Mail, postmarked no later than May 15, 2008 ("the Claims Deadline"). Failure to submit a properly completed Claim Form by the Claims Deadline will result in an automatic waiver of that Class Member's right to recover any Settlement Consideration under the Stipulation and Settlement Agreement, although such Class Members will be bound by the Settlement.

12. A hearing shall be held on April 1, 2008 at 11:00 a.m. before the undersigned at the United States District Court for the Southern District of New York, for the purpose of determining whether the proposed settlement is fair, reasonable, and adequate and should be approved by the Court, and the amount of attorneys' fees and reimbursement of litigation costs and expenses that should be awarded to Plaintiff's Counsel.

IT IS SO ORDERED.

Dated: Dec. 18, 2007


United States District Judge