

# SHERWOOD, HARPER, DAKAN, UNRUH & PRATT, LC

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August 2, 2012

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2012 AUG -6 P 5:16  
RICHARD W. WIERING  
CLERK U.S. DISTRICT COURT  
N.D. CALIF. SAN JOSE

**RE: Netflix Privacy Litigation No. 5:11-CV-00379-EJD**

Dear Judge Davila, Clerk of Court, and Counsel:

As noted in the above letterhead and signature block, my full name is Kurt A. Harper, with a business address of 833 N. Waco, Wichita, KS 67203, and telephone number of 316-267-1281. My home address is 1240 N. Tallyrand, Wichita, KS 67206, with a home phone number of 316-634-2290.

I am a member of the proposed settlement class in the above reference litigation.

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I am also an attorney engaged in commercial litigation in Wichita, Kansas, and have been engaged as class counsel in a number of securities class actions.

I am writing to object to the proposed settlement of the above referenced case.


The basis of my objection is, as I often observe in these class action settlement, as a member of the class I am receiving no measurable benefit from the activities of class counsel, who have purported to act on my behalf, or from the activities of the purported class representatives. Instead, in the span of less than one year, the counsel for the proposed plaintiff class has somehow generated a claim for attorney fees of 25% of a \$9 million settlement fund of which the class receives 0%. Disregarding the impact of any expenses or payments going to class representatives, this would represent a gross fee of approximately \$2 million. Contrary to the findings in the preliminary order approving the settlement, this settlement is adverse to the interests of both Netflix and the proposed class. This litigation, which is designed to provide no measurable benefit to any member of the class other than the class representatives, has now increased the expenses of Netflix by \$9 million, and has enriched the plaintiffs' attorneys for their efforts over less than twelve months to the tune of over \$2 million. Someone, in the long run, will pay this money. That money will come from the individuals who remain subscribers of Netflix, including myself. It will necessarily, in the long run, come in the form of increased subscription charges by Netflix, or reduced dividends to the shareholders of Netflix.

In short, in the span of less than a year the class representatives and their counsel, purporting to act in my best interests, have sought an award that pays a large attorney fee, at a percentage rate that is grossly disproportionate to any benefit to any member of the class, while I and other class members get nothing.

I therefore strongly object to the approval of the settlement, and in particular I object to the approval of the proposed attorney fees, which I believe is not justified under any analysis.

Sincerely yours,

SHERWOOD, HARPER, DAKAN,  
UNRUH & PRATT, LC



Kurt A. Harper

KAH/ajb

