

FROM:
5 August 2012
Clyde Rothman
Netflix Subscriber
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Schertz, Texas 7815
Phone: 210-378-7304

TO:
Clerk of the Court, United States District Court for The Northern District of California
(San Jose Division)
Robert F. Peckham Federal Building
280 South 1st Street
San Jose, CA 95113

RE: Netflix Privacy Litigation, No. 5:11-cv-00379-EJD

FILED
2012 AUG 15 P 4:53
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
S. J. DIVISION
SAN JOSE, CA

STATEMENT

Please consider my strenuous objection to referenced litigation.

I, Clyde Rothman, address and phone number stated above, having been a NetFlix subscriber on and before July 5, 2012, am a member of the Settlement Class for referenced litigation.

I am not able to attend the fairness hearing because I am so far away, so I pray the court would consider my strenuous objection to the complaint on the grounds that it is UNFAIR.

1. The very small amount designated in litigation for the Settlement Class, perhaps one-tenth of a cent, .1 ¢, seems to substantiate the alleged injury, if indeed there was injury to the Settlement Class, was, in fact, negligible.

Therefore, the settlement litigation is UNFAIR because it does not redress injury to the parties who were allegedly injured (myself and the rest of the Settlement Class). Instead it disproportionately benefits disinterested parties. Why? Because it would require NetFlix to pay:

- a. \$9M to a settlement fund, the distribution of which would be to organizations and ultimately persons who were not injured by the alleged wrong doing. In addition, the organizations to which the funds are distributed may include some I find offensive and would not personally support,
- b. \$2.25M plus \$25K to attorneys who were not injured in any way by the alleged wrongdoing, and finally,

- c. only \$30K divided among millions of subscribers – if that number is 30,000,000, then the amount each would receive to redress this alleged injury would be one-tenth of a cent, .1¢. This suggests most unequivocally the injury, if there was any, was insignificant.

If there was really damage done to the Settlement Class, why then is not the \$11.25M+ paid directly to them, the alleged injured parties? The fact that little is paid to the alleged injured parties establishes clearly and unequivocally that the lawsuit is not designed to repair injury at all. If, in fact, there was injury, the litigation makes it crystal clear it was so minor it only comes to an intangible amount, not millions of dollars, for parties injured. This suggests the litigation is intended only to generate income for disinterested parties.

I do not make this point to suggest that the injured parties receive more in order to redress the alleged wrong doing. I make the point to demonstrate the litigation is frivolous by the very essence of the remuneration destined for the Settlement Class. That remuneration suggests it would take only pennies to redress the actual damage allegedly done!

2. The settlement has the potential, in fact, to actually cause more harm to the injured parties than the alleged wrongdoing did in the first place. Because the settlement amount would likely result in injury to the very persons in the Settlement Class as the cost of settlement is passed along to subscribers.

So please, consider my strenuous objection to the action against NetFlix as UNFAIR since it does not redress the alleged injury and instead only benefits disinterested parties, and has the potential, in fact to actually cause more harm to the injured parties that the alleged wrongdoing did in the first place. .

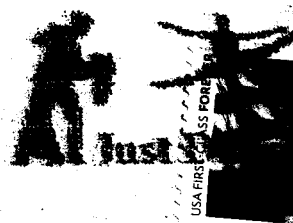
Most respectfully





Clyde W. Rothman
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Schertz, TX 78154-2662

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
11 AUG 2012 FN 6 1



CLERK OF THE COURT, UNITED STATES COURT for
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