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**Superior Court of California, County of Alameda
Hayward Hall of Justice**

Shahrokhshahi <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> Round Table Pizza, Inc. <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG05194700</u> Order Motion for Protective Order Granted
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The Motion for Protective Order was set for hearing on 04/12/2006 at 09:00 AM in Department 512 before the Honorable Bonnie Lewman Sabraw. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as modified: On the Motion by Plaintiff Mansour Shahrokhshahi for Protective Order, Evidentiary Sanctions, and Contempt the Court rules as follows:

The Court finds that Defendants Round Table Pizza, Inc. and Round Table Development Company ("Defendants") violated the Court's September 30, 2005 Order Denying Motion to Disqualify Defense Counsel and Ordering Curative Notice to Putative Class Members, by sending and/or authorizing the sending of the letter dated October 24, 2005 ("Second Letter") to potential class members. The September 30, 2005 Order mandated that Defendants, inter alia, send a "Curative Notice" to all potential class members, in an attempt to correct abuses by Defendants' counsel in communicating with potential class members. It included a statement that Defendant's counsel had failed to disclose to potential class members, employees of Defendants, that their interests at stake in the lawsuit are opposed to Defendant's. The letter, pursuant to the Court Order was signed by J. Robert McCourt.

The Second Letter was also signed by J. Robert McCourt, Defendant's Chief Operating Officer and Chief Financial Officer, who, in those capacities, is also a member of the Administrative Committee of the Round Table Pizza Employee Stock Ownership Plan and Trust ("EEOP"). The letter was sent without Court permission, with the intent of contradicting the statement in the Curative Notice. The Second Letter was sent out at the same time as the Curative Notice ordered by the Court and signed by the same individual. Although Mr. McCourt purported to send the Second Letter in a different corporate capacity as member of the Administrative Committee, he serves in that capacity because of his position with Defendants. Round Table offers no good cause or justification as to why the Second Letter was sent out at the same time as the Curative Notice or, if it was required to correct the Curative Notice, without first seeking Court approval of any needed change. It can be inferred from the timing and the content of the letter, stigmatizing that Curative Notice as "compelled", and warning potential class members that the lawsuit, whether won or lost, would adversely impact their personal financial interests, that it was intended to intimidate employees from taking part in the class action.


The Court finds that Defendants' sending the Second Letter is a violation of the September 30 Order, done without good cause or justification. The Court also finds that this violation is a continuation of the

abuse that the Court found in that Order, and which the Curative Notice was intended to correct.

In light of the above findings, the Court ORDERS as follows.

1. Defendants are each to pay Alameda County monetary sanctions of \$1500.00 pursuant to C.C.P. §177.5 for violation of the September 30 Order. Payment to be made by April 21, 2006.
2. In an effort to cure the negative effect and intimidating atmosphere at the work-place engendered by the Second Letter, the Court orders that Defendants provide to Plaintiffs, on or before April 21, 2006, the home addresses of each potential class member, to allow Plaintiffs to communicate with such potential class members outside of the workplace. Plaintiffs are restricted from using these addresses for any purposes other than the instant litigation.
3. In a further effort to cure the negative effect of the Second Letter, the Court will consider ordering that a Second Curative Notice be sent out by Defendants. Should Plaintiffs seek such a notice, they should provide proposed text and a brief in support of its issuance, not more than 5 pages long, by April 26, 2006. Defendants shall have until May 3, 2006 to respond thereto, in a brief no more than 5 pages in length.
4. The request for protective order prohibiting Defendants from communicating with the potential class members, their employees, on the subject of the lawsuit is denied. See *Parris v. Superior Court* (2003) 109 Cal.App.4th 285, 299-300. This denial is without prejudice to renewing the request should any further abuse occur. The temporary stay of communications with potential class members that has been imposed on both parties is lifted as of April 21, 2006, or on the date that the Defendants comply with paragraph 2, *supra*, whichever date is earlier.
5. The Court denies all other requested relief, including evidentiary sanctions, without prejudice to their being renewed if future abuse occurs.

Dated: 04/12/2006

 facsimile

Judge Bonnie Lewman Sabraw