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FILEDSUPERIOR COURT OF THE STATE OF CALIFORNIA **ALAMEDA COUNTY**

IN AND FOR THE COUNTY OF ALAMEDA

JUL 03 2002

CLERK OF THE SUPERIOR COURT

By Charlotte Maria
DeputyANDREA SAVAGLIO, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

WAL-MART STORES, INC., a Delaware
corporation, SAM'S CLUB, an operating
segment of Wal-Mart Stores, Inc., GEORGE
RODRIGUEZ, VINCENT MARTINEZ, and
DOES 1 through 100,

Defendants.

No. 835687-7

ORDER (1) GRANTING MOTION OF THE
FURTH FIRM REGARDING COUNSEL
STRUCTURE AND (2) DENYING MOTION
OF WAL-MART TO STAY LITIGATION

Date: June 3, 2002

Time: 2:00 p.m.

Dept.: 22

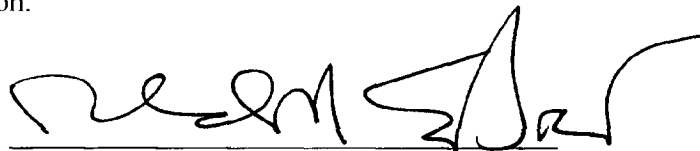
The motion by The Furth Firm to amend Pre-Trial Order No. 1 regarding counsel structure and the related motion of Wal-Mart to stay this action to permit an investigation into the relationships among Plaintiffs' counsel came on regularly for hearing on June 13, 2002, in Department 22 of this Court, the Honorable Ronald M. Sabraw presiding. Counsel appeared on behalf of Plaintiff and on behalf of Defendants. At that time the matter was continued to July 3, 2002. The Court issued a tentative decision prior to the July 3, 2002, hearing and the parties submitted to the following tentative decision:

Bader & Associates has submitted a notice of withdrawal. Therefore, The Furth Firm is the only law firm representing Plaintiffs and the purported plaintiff class.

Wal-Mart seeks discovery into the arrangements among Plaintiffs' counsel. The requested discovery is sought to support an argument that The Furth Firm entered into improper fee agreements with other counsel, participated in the solicitation of clients, instigated this litigation for its financial gain, and is therefore not adequate class counsel. It does not, however, appear that this Court and this action are the proper venue for Wal-Mart's concerns. The Court is charged in class actions with ensuring that class counsel is competent, zealous, and ethical in its dealings with the class. *Cal Pak Delivery, Inc. v. United Parcel Service, Inc.* (1997) 52 Cal.App.4th 1, 9-11; *In re Quintus Sec. Litig.* (N.D.Cal. 2001) 148 F. Supp. 2d 967, 972. The purpose of this oversight is to protect absent class members who have not participated in the selection of counsel. The issues raised by Wal-Mart concern relations among Plaintiffs' counsel and actions by Plaintiffs' counsel before this action was filed but do not concern The Furth Firm's conduct of this litigation or the payment of fees from a common fund to The Furth Firm. Therefore, the issues do not appear to relate to the adequacy of class counsel vis-à-vis the class.

Therefore, IT IS ORDERED that (1) Pretrial Order # 1 is amended to state that The Furth Firm is the only law firm representing Plaintiffs and the purported plaintiff class; (2) Wal-Mart's request for discovery regarding the arrangements among Plaintiffs' counsel is denied; (3) Wal-Mart's request for a stay of this action is denied. This order does not constitute a finding concerning Wal-Mart's concerns about the conduct of Plaintiffs' counsel or preclude Wal-Mart from pursuing other appropriate action.

Dated: July 3, 2001



Judge Ronald M. Sabraw

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Order re: Motion re: Counsel Structure and Motion to Stay for Action No. 835687-7 by placing copies in envelopes addressed as shown below and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States Mail at Alameda County, California, following standard court practices.

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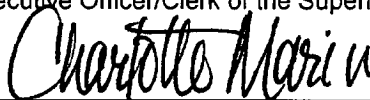
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Dated: July 5, 2002

ARTHUR SIMS
Executive Officer/Clerk of the Superior Court

By



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