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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

9 MELVYN KLEIN, Derivatively on
10 Behalf of Nominal Defendant OPUS
11 BANK,
12 Plaintiff,

13 v.

14 STEPHEN H. GORDON, MARK
15 CICIRELLI, MARK E. SCHAFFER,
16 MICHAEL MEYER, ROBERT
17 SHACKLETON, THOMAS M.
18 BOWERS, CURTIS A. GLOVIER, and
19 DAVID KING,

20 Defendants,

21 And

22 OPUS BANK, a California Corporation,
23 Nominal Defendant.

Case No. 8:17-CV-00123(AB)(JPR)

**PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF SETTLEMENT**

Hearing Date: July 20, 2018

Judge: Hon. André Birotte, Jr.
Courtroom: 7B – First Street
Action Filed: January 24, 2017

1 Pursuant to Federal Rule of Civil Procedure 23.1(c), and upon the Stipulation of
2 Settlement, dated January 29, 2018 (the “Stipulation”), attached as Exhibit 1¹ to the
3 accompanying Declaration of Thomas J. McKenna in Support of Plaintiff’s Motion
4 for Final Approval of Settlement and in Support of Plaintiff’s Motion for a Fee and
5 Expense Award (“McKenna Fact Decl.”), plaintiff Melvyn Klein (“Plaintiff Klein”),
6 derivatively on behalf of Opus Bank (“Opus”), respectfully submits this Motion,
7 which moves this Court for entry of an Order in the form attached as Exhibit C to the
8 Stipulation, which is the Parties’ proposed “[Proposed] Final Judgment” (Doc. No.
9 37-4):

10 1. Granting final approval of the proposed Settlement on the terms set forth
11 in the Stipulation.

12 For the reasons set forth in the Stipulation, this Motion, the accompanying
13 Memorandum and Points of Authorities in Support thereof, and the accompanying
14 McKenna Fact Decl., Plaintiff Klein respectfully requests that the Court find that the
15 proposed Settlement merits final approval and enter the Final Judgment, along with
16 such other and further relief which the Court may deem just and proper.

17 Dated: June 15, 2018

18 **THE WAGNER FIRM**

19
20 By: /s/ Avi N. Wagner

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¹ Terms not defined herein shall have the meanings ascribed to them in the Stipulation.

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PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On June 15, 2018, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court’s Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 15, 2018, at Los Angeles, California.

s/ Avi Wagner _____
Avi Wagner

Mailing Information for a Case 8:17-cv-00123-AB-JPR Melvyn Klein v. Stephen H. Gordon et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

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- (No manual recipients)