

1 JOHN K. SKOUSEN (SBN 192581)
E-Mail: jskousen@fisherphillips.com
2 FISHER & PHILLIPS LLP
2050 Main Street, Suite 1000
3 Irvine, California 92614
4 Telephone: (949) 851-2424
Facsimile: (949) 851-0152
5

JASON A. GELLER (SBN 168149)
6 E-Mail: jgeller@fisherphillips.com
AARON M. CARGAIN (SBN 281336)
7 E-Mail: acargain@fisherphillips.com
8 FISHER & PHILLIPS LLP
One Montgomery Street, Suite 3400
9 San Francisco, California 94104
Telephone: (415) 490-9000
10 Facsimile: (415) 490-9001

11 Attorneys for Defendant
12 BALL METAL BEVERAGE CONTAINER CORP.

13
14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

16 ROBERT WESTFALL, DAVID E. ANDERSON,
17 LYNN BOBBY, and DAVID ELLINGER,

18 Plaintiffs,

19 v.

20 BALL METAL BEVERAGE CONTAINER
CORP.,

21 Defendant.
22
23
24
25
26
27
28

CASE NO.: 2:16-CV-02632-DAD-CKD

**DEFENDANT BALL METAL BEVERAGE
CONTAINER CORP.’S STATEMENT OF
NON-OPPOSITION TO PLAINTIFFS’
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 Pursuant to Eastern District Local Rule 230(c), Defendant Ball Metal Beverage Container Corp.
2 (“Ball”) submits this Statement of Non-Opposition to Plaintiffs’ Motion For Preliminary Approval Of
3 Class Action Settlement. Ball concurs with Plaintiffs and Objectors’ counsel in that the settlement
4 reached by the Parties was the result of: 1) nearly decade-long litigation; 2) four arms-length mediations;
5 3) substantial discovery, both formal and informal; and 4) objection to the prior settlement which raised
6 new points in relation to claims alleged by Plaintiffs and Objectors.

7 Ball also concurs with Plaintiffs and Objectors in that finalization of the Long Form Settlement,
8 which took approximately seventeen months to complete and contemplates the release of the claims
9 referenced therein, was the product of further consideration, negotiation, and adversarial meet and confer
10 on contested points.

11 Dated: February 3, 2025

FISHER & PHILLIPS LLP

12
13 By: /s/ Aaron M. Cargain

14 JOHN K. SKOUSEN
15 JASON A. GELLER
16 AARON M. CARGAIN
17 Attorneys for Defendant
18 BALL METAL BEVERAGE CONTAINER CORP.
19
20
21
22
23
24
25
26
27
28