

Harvey Yalkut
P.O. Box 5451. Email: yalkut@mindspring.com
San Jose, CA 95150 Cell Phone: 408-799-0694

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Physical Address: 1641 Andalusia Way
San Jose, CA 95150

Clerk of the Court
United States District Court
N. Dist. Of CA, San Jose Div.
Robert F. Peckham Federal Bldg.
280 South 1st Street
San Jose, CA 95113

Jay Edelson
Rafey S. Balabanian
Ari J. Scharg
Chandler R. Givens
Edelson Mcguire LLC
350 N. LaSalle, Suite 1300
Chicago, IL 60654

Keith E. Eggleton
Rodney Strickland
Dale Bish
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Dear Sirs and Madams:

In re: Netflix Privacy Litigation, No. 5:11-cv-00379-EJD, Request to speak at the December 5, 2012 hearing in objection to the proposed settlement

I am a member of the settlement class and have been a Netflix subscriber since almost the beginning of their business operation. I am a senior citizen, a successful business man for over 40 years, and a business major from N.Y.U. and then graduate school at S.F. State. I was also a guest marketing lecturer at the University, on the teaching staff of IBM and was an officer of SCORE and was an Examiner for the San Jose, U.S. District Court. I think I can qualify to speak in objection the proposed settlement.

I believe the settlement to be too punitive. I understand Netflix agreeing to avoid a protracted suit but that is probably advice of attorneys. I am not convinced that the claimed minor wrong doing is not a slap on the hand case and merely needed a promise to modify policy. I believe the damages, the charity donation and legal fees are something on the order of real malpractice and just lining the pockets of those complaining. I believe that the hidden harm is to the thousands of Netflix customers through potential higher prices, alienation of affections and company reputation, diminution of services as to access to history, reduction in funds for R&D all to the detriment of the very thousands of clients this action seeks to help.

I am sure I can contain my talk to about 10 minutes. I do not need an attorney to represent me. Please note that in the materials sent by the Netflix Administrator, section 10, it calls for sending this letter to four different places, below, but they only give 3 places. The three are shown above.

Sincerely submitted,



Harvey Yalkut