

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 15-2853 DSF (SSx)

Date 7/6/17

Title Caesar Ruiz v. TAF, LLC

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Dismissal for Lack of Prosecution

On October 23, 2015, Plaintiffs filed a notice of class action settlement. After Plaintiffs had filed nothing to seek approval of the settlement, on February 8, 2016, the Court ordered counsel to file a status report. On February 16, 2016, the parties filed a joint status report that stated that they were “finalizing the settlement papers” and expected to file a motion for preliminary approval within 45 days. Despite this assurance, a motion for preliminary approval was not filed until October 17, 2016. At a hearing on November 14, 2016, the Court noted numerous problems with the proposed settlement and required Plaintiffs to refile. On December 13, 2016, a renewed motion for preliminary approval was filed. On December 21, 2016, the Court denied that motion without a hearing. In that order, the Court stated:

The renewed motion still contains no explanation of how the settlement amount was reached or why it is fair, reasonable, or adequate. The proposed settlement amount is \$1,200,000, from which as much as \$485,000 could be deducted before distribution to the class. (The Court notes that in its opposition to the motion to remand, Defendant asserted that damages - not including attorney’s fees - could exceed \$7.6 million.) In addition, Defendant agrees to distribute 50% of the net settlement amount, which includes the employer’s share of payroll taxes and contributions. The agreement provides for a reversion to Defendant of funds not claimed.

Dkt. No. 50.

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No further action has been taken in the case. Six months have now past since the Court denied the second motion for preliminary approval and 20 months have past since the initial notice of settlement. Plaintiffs are therefore ordered to show cause, in writing, no later than July 12, 2017, why this case should not be dismissed for lack of prosecution. Defendant may file a brief stating its position no later than July 17, 2017. A hearing on this OSC is set for July 24, 2017 at 1:30 p.m.

IT IS SO ORDERED.