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8 **United States District Court**  
9 **Central District of California**  
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11 STACI CHESTER; DANIEL  
12 FRIEDMAN; ROBIN BERKOFF; and  
13 THERESA METOYER, individually and  
14 o/b/o those similarly situated,  
15 **Plaintiffs,**

16 v.

17 THE TJX COMPANIES, INC.; TJ MAXX  
18 OF CA, LLC; MARSHALLS OF CA,  
19 LLC; HOMEGOODS, INC; and DOES 1–  
20 100, inclusive,  
21 **Defendants.**

Case № 5:15-cv-01437-ODW (DTB)

**ORDER DENYING PLAINTIFFS’  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT [109]**

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23 Before the Court is Plaintiffs Staci Chester, Daniel Friedman, Robin Berkoff  
24 and Theresa Metoyer’s Unopposed Motion for Preliminary Approval of Class Action  
25 Settlement and Certification of Settlement Class. (Mot., ECF No. 109.) Defendants  
26 The TJX Companies, Inc., T.J. Maxx of CA, LLC, Marshalls of CA, LLC, and  
27 HomeGoods, Inc. (collectively, “TJX” or “Defendants”) do not oppose Plaintiffs’  
28 Motion. Having considered Plaintiffs’ arguments in their moving papers, the

1 accompanying declarations, and settlement agreement, the Court **DENIES** Plaintiffs’  
2 Motion without prejudice.

3 In approving a proposed class action settlement, “[u]ltimately, the district  
4 court’s determination is nothing more than an amalgam of delicate balancing, gross  
5 approximations, and rough justice.” *Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*,  
6 221 F.R.D. 523, 525–26 (C.D. Cal. 2004) (internal citations and quotation marks  
7 omitted). Thus, “[t]he initial decision to approve or reject a settlement proposal is  
8 committed to the sound discretion of the trial judge.” *Id.* The Court takes issue with  
9 the form of the parties’ proposed notice to be sent out to potential class members.  
10 (*See* Settlement Agreement Exs. 3, 4, 5, 7, ECF No. 109-3.)

11 It is the duty of the district court to “direct notice in a reasonable manner to all  
12 class members who would be bound by the [proposed settlement].” Fed. R. Civ. P.  
13 23(e)(1). The Court finds that any notice of settlement distributed in this case should  
14 display the logos of Defendants, in color, to alert potential class members to the  
15 contents of the notice and the parties involved in this litigation.



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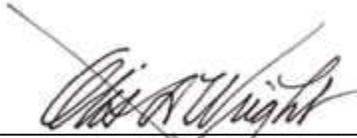
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1 The Court is inclined to preliminarily approve the parties' proposed Settlement  
2 Agreement (ECF No. 109-3), if the proposed notice was amended to conform to the  
3 format addressed in this Order. For these reasons, Plaintiffs' Motion is **DENIED**  
4 without prejudice. (ECF No. 109.) The Court directs the parties to submit a new  
5 Motion for Preliminary Approval of Class Action Settlement, should they wish to do  
6 so, no later than **November 13, 2017**.

7 **IT IS SO ORDERED.**

8 October 20, 2017

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11 **OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**

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