

1 Final Approval and Fairness hearing which organization, between California Rural Legal Assistance
2 (“CRLA”) and The Boys and Girls Club of Kern County (“Boys & Girls Club”), will receive all
3 unclaimed settlement funds.” (Doc. 174 at 10.) However, in granting preliminary approval of class
4 settlement the Court encouraged the parties to resolve the issue without Court involvement, noting
5 issues related to the cy pres beneficiary are not ripe for adjudication unless and until there are
6 unclaimed funds. (Doc. 173 at 8) (citing *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2012)).

7 Accordingly, the language related to the cy pres beneficiary must be changed in the Class
8 Notice, to omit any identity of—or options related to—the cy pres beneficiary. It is sufficient that the
9 Class Members receive notice that any unclaimed settlement funds will be directed to a cy pres
10 beneficiary, whose identity is yet to be determined.

11 Further, the Court notes that the case number identified in the Class Notice is incorrect on page
12 11, and should be corrected to 1:09-cv-00707-AWI-JLT. (*See* Doc. 174 at 11.) This correction will
13 ensure that any objections of Class Members will be filed in the proper action.

14 Given the deficiencies of the proposed Class Notice, **IT IS HEREBY ORDERED:**

- 15 1. Plaintiffs’ request for approval of the revised Class Notice is **DENIED**; and
- 16 2. Plaintiffs SHALL file a Class Notice curing the deficiencies identified by this Order no
17 later than **December 5, 2014**;
- 18 3. Plaintiffs SHALL file a declaration by a certified court interpreter who translates the
19 revised Class Notice into Spanish, attesting that the translation is accurate; and
- 20 4. Failure to comply with this Order may result in the imposition of sanctions pursuant to
21 Local Rule 110.

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23 IT IS SO ORDERED.

24 Dated: December 4, 2014

/s/ Jennifer L. Thurston
25 UNITED STATES MAGISTRATE JUDGE