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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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|----------------------------|---|---------------------------------------|
| MARGARITA ROSALES, et al., |) | Case No.: 1:12-cv-01934- AWI-JLT |
| Plaintiffs, |) | |
| v. |) | ORDER DENYING PLAINTIFFS’ REQUEST |
| |) | FOR APPROVAL OF THE REVISED CLASS |
| |) | NOTICE |
| EL RANCHO FARMS, et al., |) | |
| Defendants. |) | ORDER DIRECTING PLAINTIFFS TO FILE AN |
| |) | AMENDED CLASS NOTICE NO LATER THAN |
| |) | DECEMBER 5, 2014 |
| ANGEL LOPEZ CRUZ, et al., |) | |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| EL RANCHO FARMS, et al., |) | |
| Defendants. |) | |
| |) | |

Plaintiffs Angel Lopez Cruz and Angelica Alvarez have submitted a revised Class Notice for the Court’s approval. (Doc. 47.) Significantly, however, the revised Class Notice submitted by Plaintiffs fails to comply with the Court’s order related to the designation of a cy pres beneficiary.

In the proposed Class Notice, Plaintiffs assert: “The Court will decide at the March 20, 2015 Final Approval and Fairness hearing which organization, between California Rural Legal Assistance (“CRLA”) and The Boys and Girls Club of Kern County (“Boys & Girls Club”), will receive all unclaimed settlement funds.” (Doc. 47 at 10.) However, in granting preliminary approval of class

1 settlement the Court encouraged the parties to resolve the issue without Court involvement, noting
2 issues related to the cy pres beneficiary are not ripe for adjudication unless and until there are
3 unclaimed funds. (Doc. 173 at 8) (citing *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2012)).

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

8 Further, the Court notes that the case number for the *Rosales* action identified in the Class
9 Notice is incorrect on page 11, and should be corrected to 1:09-cv-00707-AWI-JLT. (*See* Doc. 47 at
10 11.) This correction will ensure that any objections of Class Members will be filed in the proper
11 actions.

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

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

20
21 IT IS SO ORDERED.

22 Dated: December 4, 2014

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