

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 CIRENA TORRES, on behalf of herself and
12 all others similarly situated,

13 Plaintiffs,

14 v.

15 PET EXTREME,

16 Defendant.

Case No. 1:13-cv-01778-LJO-SAB

ORDER REQUIRING PLAINTIFF TO
PROVIDE SUPPLEMENTAL BRIEFING TO
SUPPORT MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

(ECF No. 20)

17 On September 9, 2014, an order issued adopting findings and recommendations and
18 granting preliminary approval of the settlement of this class action. A hearing on the final
19 approval of the class action settlement is set for January 14, 2015 before the undersigned. On
20 December 12, 2014, Plaintiff filed a motion for final approval of the class action settlement and a
21 motion for attorney fees. Upon review of Plaintiff's motions, the Court shall require Plaintiff to
22 submit further briefing as addressed below.

23 Rule 23 requires that notice for any class certified under Rule 23(b)(3) must be "the best
24 notice that is practicable under the circumstances, including individual notice to all members
25 who can be identified through reasonable effort." Fed. R. Civ. P. 23(b)(2)(B). In this instance,
26 the parties were not able to identify the individuals that made purchases by credit card to provide
27 notice by mail. For that reason, the Court found that posting a legal notice at the front door and
28

1 at each register at each location regarding this class action settlement was the best notice
2 practicable under the circumstances. (Findings and Recommendations Recommending
3 Preliminary Approval of Class Action Settlement 12-13, ECF No. 17.)

4 In the motion for final approval of the class action settlement, Plaintiff states that no class
5 member has opted out of or objected to the settlement; however no information has been
6 provided on the number of class members that have submitted claim forms to date. Plaintiff
7 shall be required to provide the Court with information on the number of claim forms that have
8 been submitted based upon the notice that was provided for the Court to consider in making
9 recommendations on the motions pending.

10 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall submit further briefing on
11 the number of class members that have submitted claims forms on or before January 12, 2015.

12 IT IS SO ORDERED.

13
14 Dated: January 5, 2015


UNITED STATES MAGISTRATE JUDGE