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9 PRECHECK, INC.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Sarmad Syed, an individual, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

M-I LLC, a Delaware Limited Liability Company,
PreCheck, Inc., a Texas Corporation, and Does 1
through 10,

Defendants.

Case No. 1:14-cv-00742-WBS-BAM

Assigned for all purposes to:
Hon. William B. Shubb, Courtroom 5

**STIPULATION TO CONTINUE FINAL
APPROVAL HEARING DATE;
[Proposed] ORDER**

COME NOW, Plaintiff SARMAD SYED and Defendant PRECHECK, INC. (“PreCheck” or “Defendant”), by and through their undersigned counsel, and hereby stipulate to, and move the Court for an order continuing the Final Approval Hearing to a date after January 12, 2016.

On September 18, 2015, the Court entered its Order Preliminarily Approving Class Action Settlement [Dkt. No. 73] (“Preliminary Approval Order”). The Preliminary Approval Order set a Final Approval Hearing date of December 14, 2015, at 2:00 p.m.

Pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. sections 1332(d), 1453, and 1711–1715, the parties are to provide notice of their class action settlement to the appropriate Attorney(s) General. The CAFA Notice was sent on October 13, 2015. CAFA requires that the final approval of a class action settlement take place after 90 days from the notice. 28 U.S.C. section

1 1715 provides:

2
3 (d) Final Approval.— An order giving final approval of a proposed settlement may not be
4 issued earlier than 90 days after the later of the dates on which the appropriate Federal
5 official and the appropriate State official are served with the notice required under
6 subsection (b).

7
8 Id., emphasis added.

9 Given that CAFA Notice was sent on October 13, 2015, the current Final Approval Hearing date of
10 December 14, 2015, does not comply with 28 U.S.C. section 1715.

11 The parties therefore need and respectfully request a new Final Approval Hearing date of no
12 earlier than January 12, 2016, to comply with CAFA. The parties need the new Final Approval Hearing
13 date to be published on the notices to be sent out to the class members.

14 The parties hereby stipulate to, and move for, the following:

15 1. That the Final Approval Hearing date, currently set for December 14, 2015, be continued
16 to a date no earlier than January 12, 2016.

17 **IT IS SO STIPULATED.**

18 Date: October 20, 2015

PETER R. DION-KINDEM, P.C.

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20 By: /s Peter R. Dion-Kindem
21 PETER R. DION-KINDEM
22 Attorneys for Plaintiff
SARMAD SYED

23 Date: October 20, 2015

NELSON \diamond GRIFFIN LLP

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25 By: /s Raymond J. Muro
26 RAYMOND J. MURO
27 Attorneys for Defendant
28 PRECHECK, INC.


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ORDER

Pursuant to the parties' stipulation and motion, and good cause appearing, IT IS HEREBY ORDERED that the Final Approval Hearing is continued to **January 25, 2016 at 1:30 p.m.** in Courtroom 5. The parties shall file briefs in support of the final approval of the settlement no later than 14 days before the fairness hearing.

IT IS SO ORDERED.

Dated: October 23, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE