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

**FRANCISCO NIEVES REYES,**  
  
Plaintiff,  
  
v.  
  
**CVS PHARMACY, INC., et al.,**  
  
Defendants.

1:14-cv-00964-MJS  
**ORDER REQUIRING DEFENDANT TO  
SUBMIT EVIDENCE OF COMPLIANCE  
WITH 28 U.S.C. § 1715(b)**  
  
**JUNE 20, 2016 DEADLINE**

On May 11, 2016, Plaintiff Francisco Nieves Reyes, on behalf of himself and others similarly situated (hereinafter collectively referred to as "Plaintiffs"), moved for final approval of a class action settlement. (ECF No. 42.) Defendants CVS Pharmacy, Inc. and Caremark Rx, LLC (hereinafter collectively referred to as "Defendants") filed a statement of non-opposition. (ECF No. 45.)

Plaintiffs' motion was heard on June 10, 2016. Counsel Gregory Karasik appeared on behalf of Plaintiffs, and counsel Jennifer Zargarof appeared on behalf of

1 Defendants. During the hearing, defense counsel asked that the “effective date” of the  
2 settlement agreement be extended to June 23, 2016, to accommodate the requirements  
3 of 28 U.S.C. § 1715(b) and (d) and enable Defendants to provide adequate notice to  
4 appropriate federal and state attorneys general prior to final settlement approval. Plaintiff  
5 did not object.

6 Pursuant to 28 U.S.C. § 1715(d), the Court cannot finally approve the settlement  
7 until ninety days have passed following service of notice on the appropriate attorneys  
8 general. Upon review of the parties’ submissions, the Court finds that it is without  
9 information as to which attorneys general were served with notice of the proposed  
10 settlement and when those attorneys general were served. Absent such information, and  
11 in light of the indications during the hearing that notice was delayed, the Court will not  
12 grant final settlement approval.

13 Accordingly, on or before June 20, 2016, Defendants shall file and serve  
14 evidence, supported by an appropriate declaration, showing which attorney generals  
15 were served with notice of the proposed settlement and when they were served.

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17 IT IS SO ORDERED.

18 Dated: June 13, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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