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 16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

18 SHAWN ALGER as an individual and on
 19 behalf of all others similarly situated,
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 Plaintiff,
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 vs.
 22 FCA US LLC f/k/a CHRYSLER GROUP
 23 LLC, a Delaware Corporation, and DOES
 1 through 100, inclusive,
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 Defendants.

Case No. 2:18-cv-00360-MCE-EFB

ORDER DIRECTING CLASS NOTICE

Date: June 25, 2020
 Time: 2:00 p.m.

Judge: Hon. Morrison C. England, Jr.
 Courtroom: 7

1 Before the Court is Plaintiff’s Motion for Approval of Class Notice Plan.

2 On February 18, 2020, this Court certified a Class under Rule 23(b)(3) including “all
3 persons in California who currently own or lease, or who have owned or leased, any Class
4 Vehicle manufactured by Chrysler or any of its subsidiaries or affiliates that is equipped with an
5 Automatic Head Restraint (“AHR”) system” and a California CLRA Subclass consisting of “all
6 members of the Class who are ‘consumers’ within the meaning of California Civ. Code §
7 1761(d),” and appointed Plaintiff’s counsel as Class Counsel. Having reviewed Plaintiff’s
8 Motion and the papers submitted in support of his Notice Plan, and the Opposition and
9 supporting documentation submitted by FCA US;

10 **IT IS HEREBY ORDERED:**

11 1. The Court approves as to form and content the proposed postcard notice, long-
12 form notice, and publication notice, attached as Exhibit B to FCA US’s June 11, 2020
13 Opposition.

14 2. The Court appoints ILYM Group, Inc. as Notice Administrator.

15 3. The Court directs that within 10 days, Defendant will provide to Class Counsel
16 and the Notice Administrator VIN numbers for Class Vehicles as agreed upon by the Parties.

17 4. The Court directs that within 40 days, the Notice Administrator shall cause notice
18 to be mailed by first-class mail to the names and addresses of all Class Members who can be
19 reasonably identified through the use of VIN numbers provided to Class Counsel and the Notice
20 Administrator by FCA US and through DMV records and who have a current California
21 address.

22 5. Publication notice will be initiated within 40 days.

23 6. The Notice Administrator shall establish and maintain a website as described in
24 paragraph 7 of the ILYM Declaration. The website shall be active no later than 40 days after
25 this Order. Content of the website shall be determined either by agreement of the Parties or, if
26 the Parties are unable to agree, by Court Order.

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1 7. Class Counsel, working with Notice Administrator, may make non-material
2 modifications, as appropriate, to the forms of notice to make them accurate and complete, and /
3 or for the purposes of effective dissemination to class members (e.g., via email notice, press
4 release, or other media), so long as those modifications substantially comport with the
5 descriptions provided in the ILYM Declaration. Modifications to the forms of notice shall be
6 agreed upon by the Parties or, if the Parties are unable to agree, shall be by Court Order.

7 8. A Class Member may opt out of the Class by mailing an opt-out request as
8 described in paragraph 9 of the ILYM Declaration and Exhibit B to FCA US's June 11, 2020
9 Opposition. Opt-Out requests must include the Class Member's name, address, and telephone
10 number, and must be sent to the Notice Administrator post-marked no later than 85 days after
11 this Order.

12 9. The Court finds that the dissemination of the Notice under the terms and in the
13 format provided for in this Order satisfies the requirements of Fed. R. Civ. P. Rule 23(c)(2) for
14 notice in Rule 23(b)(3) class actions and constitutes the best notice practicable under the
15 circumstances. Class counsel will bear the costs of the Notice Plan.

16 IT IS SO ORDERED.

17 Dated: August 10, 2020



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE

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