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28United States District Court
For the Northern District of California

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

MICHELLE SIMS,

No. C-07-1510 MMC

Plaintiff,

v.

**ORDER ADVANCING HEARING ON
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT AND FOR
AWARD OF ATTORNEYS' FEES,
EXPENSES AND INCENTIVE AWARD**

CELLCO PARTNERSHIP, d/b/a VERIZON
WIRELESS,

Defendant

Before the Court is the parties' Joint Submission Regarding Charitable Distribution Pursuant to Settlement Agreement, filed August 24, 2009, offered in support of plaintiff's Motion for Final Approval of Class Action Settlement Agreement and Award of Attorneys' Fees and Expenses and Incentive Award, filed July 13, 2009.

In the Joint Submission, the parties indicate their availability to appear on a date in advance of the scheduled October 2, 2009 hearing. Accordingly, the hearing is hereby ADVANCED to September 18, 2009, at 9:00 a.m.


To assist the parties in preparing for the hearing, the Court initially notes that the parties' current proposal, that the excess funds be distributed in the form of cash rather than goods and services, would appear to be appropriate. The proposal is, however, at variance with the notice given to the class. (See Order Preliminarily Approving Settlement, filed February 18, 2009, Ex. A ¶ 8.) Consequently, the parties should be prepared to

1 address whether the proposed change in distribution may be adopted by the Court in the
2 absence of additional notice to the class, and to provide, in advance of the September 18,
3 2009 hearing and no later than September 15, 2009, any authority relevant thereto.

4 **IT IS SO ORDERED.**

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Dated: September 2, 2009


MAXINE M. CHESNEY
United States District Judge