

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALICIA HARRIS,

No. C-08-5198 EMC

Plaintiff,

v.

**ORDER RE SUPPLEMENTAL
BRIEFING FOR PLAINTIFF'S MOTION
FOR FINAL APPROVAL**

VECTOR MARKETING CORPORATION,

(Docket No. 505)

Defendant.

Previously, the Court ordered the parties to provide supplemental briefing by December 29, 2011, as to why notice to the entire class is not necessary. Thereafter, Plaintiff filed her renewed motion for final approval. Having done a preliminary review of the renewed motion, the Court hereby orders that the parties provide supplemental briefing -- also by December 29 -- as to whether there is any case authority permitting commitment of residual funds to a *cy pres* fund rather than to the class (whether the entire class or simply those who initially submitted claims) under the circumstances of this case. *See, e.g., Nachshin v. AOL, LLC*, No. 10-55129, 2011 U.S. App. LEXIS 23244, at *1, 8 (9th Cir. Nov. 21, 2011) (noting that the *cy pres* doctrine allows for distribution to the next best class of beneficiaries and that "federal courts frequently use the *cy pres* doctrine 'in the settlement of class actions where *the proof of individual claims would be burdensome or distribution*

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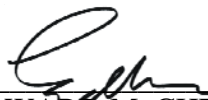
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1 *of damages costly”*) (emphasis added). The parties should also address whether the interest in
2 avoiding another notice to the class is a proper consideration.

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4 IT IS SO ORDERED.

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6 Dated: December 23, 2011

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9 EDWARD M. CHEN
10 United States District Judge
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