

United States District Court
For the Northern District of California

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

ERIC ROSS, et al,
Plaintiffs,
v.
TREX COMPANY, INC.,
Defendant.

No. C 09-00670 JSW

**ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT**

(Docket No. 258)

Now before the Court is the motion for preliminary approval of class action settlement. The Court has considered the parties papers, including the supplemental briefs ordered by the Court, Dr. Borger’s supplemental opposition, and the parties’ supplemental responses to Dr. Borger’s opposition. The Court finds the motion suitable for disposition without oral argument, and it VACATES the hearing scheduled for August 23, 2013.

At this stage of the proceedings, the parties’ revisions to the settlement and the revisions to the proposed notice program satisfy the concerns raised in the Court’s Order requiring supplemental briefing. Accordingly, the will grant the motion for preliminary approval. The parties shall e-file a revised proposed Order granting the motion and which sets forth the requisite deadlines for distributing notice and filing exclusions and objections, and a final fairness hearing by August 26, 2013.

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The Court notes that nothing in this Order should be construed to preclude Dr. Borger from filing objections to a final approval of the settlement agreement.

IT IS SO ORDERED.

Dated: August 19, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE