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

GARY MINOR, et al.,
Plaintiffs,
v.
FEDEX OFFICE AND PRINT
SERVICES, INC.,
Defendant.

NO. C09-1375 TEH

ORDER TO SHOW CAUSE AND
ORDER CONTINUING FINAL
APPROVAL HEARING

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On February 8, 2013, this Court granted preliminary approval of the class action settlement in this case. In granting such approval, the Court directed Class Counsel to provide several documents in support of Plaintiffs' final approval motion, including: (1) a declaration from each Class Representative answering seven questions contained in the order and (2) documentation relating to any damages analyses that were performed during the settlement process. Feb. 8, 2013 Order at 8, 10-11.

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Plaintiffs' final approval motion failed to adequately include either of the above. First, Class Counsel provided declarations from only three out of five Class Representatives. Declarations from Gary Minor and Banipal Shabaz were not submitted, and none of the three submitted declarations adequately answers all seven questions set forth in the preliminary approval order. Second, Class Counsel stated that a data analysis was performed by Plaintiffs' expert, Dr. Martin Shapiro, and that Class Counsel estimated FedEx's total exposure at trial by performing an analysis based on extrapolations from Defendant FedEx's time and payroll data. However, they failed to provide the Court with any documents related to these analyses.

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As the Court explained in its preliminary approval order, the above documentation is required to evaluate the adequacy of the Class Representatives and Class Counsel, as well as

1 whether the settlement is a reasonable compromise that sufficiently protects the rights of the
2 Class. Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

- 3 1. On or before **July 8, 2013**, Class Counsel shall file:
- 4 a. A declaration from each Class Representative that fully answers all
5 seven questions in the Court's February 8, 2013 Order; and
- 6 b. Documentation sufficient to permit the Court to evaluate the
7 proportionality between the settlement's value and Plaintiffs' expected recovery, including
8 any damages analyses that were performed during the settlement process.

9 2. The final approval hearing currently scheduled for July 1, 2013, at 10:00 AM,
10 is hereby CONTINUED to **July 15, 2013, at 10:00 AM**.

11 IT IS FURTHER ORDERED that Class Counsel shall personally appear before the
12 Court on **July 1, 2013, at 1:30 PM**, to show cause as to why sanctions should not be
13 imposed for their failure to submit all documents required by the Court's February 8, 2013
14 Order. Any written response to the order to show cause must be filed on or before **June 28,**
15 **2013**.

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17 **IT IS SO ORDERED.**

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19 Dated: 06/26/2013



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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