

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

TINA WALTER, CHISTOPHER	)	Case No. 09-2136 SC
BAYLESS, AND ERIC SCHUMACHER,	)	
individually and on behalf of	)	ORDER DENYING MOTION FOR
all others similarly situated,	)	PRELIMINARY APPROVAL OF CLASS
	)	<u>ACTION SETTLEMENT</u>
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
HUGHES COMMUNICATIONS, INC. and	)	
HUGHES NETWORK SYSTEMS, LLC,	)	
	)	
Defendants.	)	
	)	
	)	

Now before the Court is a motion for preliminary approval of a class action settlement and conditional class certification brought by the parties in the above captioned matter. ECF No. 98. The Court denied the parties' previous motion for settlement because it had several concerns about the certification of the class for settlement purposes as well as the form of the proposed notice. ECF No. 77. The revised settlement addresses most of the issues previously raised by the Court.

However, the Court remains concerned about two administrative issues. First, under the proposed settlement, in order to file objections, class members must mail separate letters to the Court, class counsel, and defense counsel. This process is burdensome for

1 the Court and the class members. A more practical procedure, which  
2 has been adopted in other class actions, would be for the parties  
3 to mutually agree upon and appoint an independent administrator to  
4 collect and organize objections and then forward those objections  
5 to the Court and the parties. If the parties cannot agree on an  
6 independent administrator, then the Court may appoint a special  
7 master. Second, the address of the Court, as it appears in the  
8 long-form notice, is incomplete. The full address of the Court is  
9 Courtroom 1 - 17th Floor, 450 Golden Gate Avenue, San Francisco,  
10 California 94102.

11 For these reasons the Court DENIES the motion for preliminary  
12 approval of the class action settlement. The Court will reconsider  
13 its ruling if the parties submit a revised settlement agreement and  
14 notice which address the issues raised above.

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16 IT IS SO ORDERED.

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18 Dated: February 8, 2012



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UNITED STATES DISTRICT JUDGE

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