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

NATIONAL SEATING & MOBILITY, INC.,

Plaintiff,

No. C 10-02782 JSW

v.

MICHAEL PARRY, et al.

Defendants.

**ORDER VACATING CASE
MANAGEMENT CONFERENCE
AND NOTICE TO PARTIES RE
SCHEDULING ON PROPOSED
CLASS ACTION SETTLEMENT**

AND RELATED COUNTER-CLAIM

The Court has received and considered the parties' joint case management conference statement. In light of the parties' representations that they will be submitting a motion for preliminary approval the Court **HEREBY VACATES** the case management conference. The Court notes that the parties have proposed that they file a motion for attorneys fees *after* the deadline for class members to opt out or object to the settlement. The Court requests that the parties address, in the motion for preliminary approval, why this timing is appropriate in light of the plain language of Federal Rule of Civil Procedure 23(h) and *In re Mercury Interactive Corp. Sec. Litig.*, 698 F.3d 988, 993-95 (9th Cir. 2010).

IT IS SO ORDERED.

Dated: April 22, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE