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1 2 3 IN THE UNITED STATES DISTRICT COURT 4 5 FOR THE NORTHERN DISTRICT OF CALIFORNIA 6 7 STEPHEN SONG, individually and on Case No. 10-3583 SC behalf of all others similarly 8 situated, ORDER REQUIRING SUPPLEMENTAL BRIEFING 9 Plaintiff, 10 v. 11 KLM GROUP, INC. d/b/a KLM ONSITE 12 SOLUTIONS, a Pennsylvania corporation; and DOES 1 through 13 20, inclusive, 14

Defendants.

Before the Court is a Motion for Preliminary Approval of Class Action Settlement brought by Plaintiff Stephen Song ("Plaintiff").

ECF No. 32 ("Mot.") Defendant KLM Group, Inc. ("Defendant") has filed a Statement of Non-Opposition to the Motion. ECF No. 38. In support of the Motion, Plaintiff has filed the Settlement Agreement, ECF No. 36 ("Settlement"), as well as the proposed settlement notice, Settlement Ex. 1 ("Notice"), and the proposed claim form, Settlement Ex. 2 ("Claim Form"). Plaintiff's attorneys Sherry Jung ("Jung") and Larry W. Lee ("Lee") have submitted declarations summarizing their efforts in investigating and litigating the case to date and setting forth their qualifications to serve as class counsel. ECF Nos. 33 ("Lee Decl."), 34 ("Jung Decl.").

Having reviewed the papers submitted, the Court finds that it cannot grant the relief requested without additional information. Plaintiff's counsel declares that the parties have conducted substantial informal discovery, which included the production of payroll and time record data for a substantial number of class members. Lee Decl. ¶ 6. Based on this information, Plaintiff's counsel has evaluated the potential damages the class could recover absent settlement and has determined that a settlement awarding class members an average of \$300 is fair and reasonable. Id. ¶ 12. However, Plaintiff has not provided the Court with similar information that would allow it to assess the potential damages available to the class members absent settlement. Without this information, the Court cannot properly determine whether the settlement is fair, reasonable, and adequate.

The Court thus DEFERS ruling on the Motion for Settlement. The Court ORDERS Plaintiff Stephen Song to file supplemental briefing providing the Court with an estimate of the average amount of damages, and the minimum and maximum individual damages awards, that class members could recover if Plaintiff were to prevail on the merits of his case. Plaintiff shall file his brief within thirty (30) days of this Order. The factual allegations in the brief should be supported by sworn declarations and/or other documentary evidence.

IT IS SO ORDERED.

Dated: June 23, 2011

UNITED STATES DISTRICT JUDGE