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

DONALD GAGNER, et al.,

Plaintiffs,

No. C 10-04405 JSW

v.

**ORDER REQUIRING FURTHER  
JOINT SUBMISSION RE *CY PRES*  
RECIPIENTS**

SOUTHERN WINE AND SPIRITS OF  
AMERICA, INC.,


Defendant.

\_\_\_\_\_ /

This matter came before the Court for a final approval hearing on a class action settlement. As part of the settlement, the parties have designated the Legal Aid Society's Employment Law Center and the Asian Law Caucus as *cy pres* recipients of any funds not distributed to class members. Although there are no objections on file, both of these organizations appear to be located in Northern California, but there is no such geographic limitation in the definition of the settlement class. Although the Court understands the nexus between these organizations and the claims, it requests a further joint statement from the parties as to why these organizations would be adequate substitutes for absent class members, especially in light of the apparent geographic breadth of the class. The parties joint statement shall be due by no later than 12:00 p.m. on December 12, 2012.

**IT IS SO ORDERED.**

Dated: December 7, 2012

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California

