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United States District Court
For the Northern District of California

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

MOHAMMAD SALIMI and AUGUST GALARAGA,

Plaintiffs,

v.

BMW FINANCIAL SERVICES NA, LLC and ASSET ACQUISITION GROUP, LLC,

Defendants.

No. C 12-01754 JSW

**ORDER REGARDING
PLAINTIFFS' MOTION FOR
APPROVAL OF CLASS ACTION
SETTLEMENT**

Now before the Court is the motion for preliminary approval of class action settlement filed by Plaintiffs. The Court has a concern regarding the order requested by Defendants approving the notice of intent and would prefer to wait to address this requested order when the Court reviews the motion for final approval. This will give class members an opportunity to voice any concerns with the proposed notice. Currently, the Court is concerned with Defendants' failure to provide the names and addresses of the third parties who are to be paid. The Court finds that *Juarez v. Arcadia Financial, Ltd.*, 152 Cal. App. 4th 889, 904-905 (2007) construed the Rees-Levering Act to require this information. The Court notes Defendants' concern that a consumer may be able to pay the law enforcement fee at multiple locations. However, Defendants could provide the name and address of at least one valid location and note that the consumer may be able to pay this fee at other, potentially more convenient locations, such as at the storage facility. The proposed notice of intent also fails to provide the name and address of the storage facility.

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Therefore, the Court requires further briefing to address these concerns. Specifically, Defendants are amenable to waiting for the Court to address their requested order until the Court reviews the motion for final approval. Moreover, Defendants shall address whether they are willing to amend their proposed notice of intent to provide names and addresses of the third parties who are to be paid.

Defendants shall provide this additional briefing by no later than February 18, 2014. Plaintiffs may respond by no later than February 25, 2014.

IT IS SO ORDERED.

Dated: February 6, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE