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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

RONALD SHEPHARD and HENRY ROMINES, on behalf of themselves and all others similarly situated;

Plaintiffs,

vs.

LOWE’S HIW, INC., and DOES 1 through 50,

Defendants

LOWE’S HIW, INC.,

Third-Party Plaintiff

vs.

MERRILL’S GARAGE DOORS, INC., a California corporation,

Third-Party Defendant.

Case No.: 12-CV-03893-JSW

**[PROPOSED] ORDER REGARDING CLASS NOTICE**

FAC Filed: June 20, 2012  
Trial Date: February 2, 2015

This matter comes before the Court pursuant to the parties’ Submission Regarding Class Notice. The parties agreed on the substance and form of the notice to class members with one exception. Defendant proposed that the following sentence be included in the notice, which Plaintiff opposed: “You also may be required to provide information, give testimony at a deposition, and/or


1 give testimony at the trial of this action.” The parties ask the Court to approve the agreed-upon  
2 notice and rule on whether the additional sentence proposed by Lowe’s should be included.

3 Based on the foregoing, and the Court having considered the parties’ filings, the Court  
4 hereby ORDERS as follows:

- 5
- 6 1. The court has reviewed the proposed notice filed by the parties and finds that it meets  
7 the requirements of Fed. R. Civ. P. 23(c)(2)(B). The Notice, therefore, and is  
8 because the Court has not determined the disputed issue, but the disputed  
9 APPROVED; language provides that class member "may" be required,  
10
  - 11 2. Defendant’s request to add its proposed additional sentence to the notice is  
12 [GRANTED/~~DENIED~~];
  - 13 3. The notice proposed by the parties, as approved herein, following the insertion of the  
14 administrator’s name and address, shall serve as the notice to be issued in this matter;  
15 and  
16
  - 17 4. Plaintiff shall provide the notice and the questionnaire, as approved herein, along with  
18 postage-prepaid post-cards and envelopes as indicated in the proposed notice  
19 submitted by the parties, via first class mail to the last known addresses of the class  
20 members, as provided by the defendant on or before the date previously set by this  
21 Court.

22 IT IS SO ORDERED.

23 Dated: January 6, 2014

  
\_\_\_\_\_  
Hon. Jeffrey S. White  
United States District Judge