UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

STEVEN ANGELL, et al.,

Plaintiffs,

v.

CITY OF OAKLAND, et al.,

Defendants.

Case No. 13-cv-00190 NC

ORDER RE: ISSUES TO BE ADDRESSED AT HEARING

The following is a non-exhaustive list of issues that the Court expects the parties to address at the hearing today on the pending motions for class certification and preliminary approval of class action settlement:

1. The definition of the class in the settlement agreement including the reference to a 2012 class certification order;

2. The scope of the release in the settlement agreement, including any differences between the claims to be released and the claims set out in the operative complaint, the identity of who is being released, and the inclusion in the release of persons who fall within the definition of the class but have opted out;

3. The status of dismissal of individual defendants pursuant to the settlement agreement;

4. A comparison of the recovery under the terms of the settlement and the potential recovery if plaintiffs were to prevail on their claims;

5. The fairness of the pro rata allocation of the settlement fund among class members, considering the differences of the length of detention and whether any class members sustained injuries;

6. The legal authority for the requested Court order regarding factual innocence;

7. What happens if a check is undeliverable or remains uncashed and whether a cy pres recipient is proposed;

8. What is the effect on the settlement agreement if the Court awards less than the amount provided in that agreement for attorneys' fees and costs and representative awards;

9. The definition of the class and what claims are being released in the proposed class notice and any differences compared to the settlement agreement and operative complaint;

10. The details of the proposed method of providing notice to the class, including what efforts will be made to re-mail notices returned as undeliverable and the timing of such re-mailing.

The Court refers the parties to this District's Procedural Guidance for Class Action Settlements available on the Court's website.

IT IS SO ORDERED.

Date: November 12, 2014

Nathanael M. Cousins
United States Magistrate Judge