

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LYLE E GALEENER, et al.,

Plaintiffs,

v.

SOURCE REFRIGERATION & HVAC,  
INC.,

Defendant.

Case No. 13-cv-04960-VC

**ORDER RE PRELIMINARY  
APPROVAL HEARING**

The parties are notified of the following:

- (1) The Court is tentatively inclined to reject the provision which states that failure to file a written objection constitutes a waiver of the right to object orally at the hearing on final approval.
- (2) The Court assumes that the distribution to each class member contemplated by the agreement represents only a partial share of the compensation to which each class member would be entitled if the plaintiffs prevailed. If this is correct, the Court is tentatively inclined to reject the provision that calls for unclaimed funds to be returned to the defendant, rather than being distributed, in a second round of checks, to the class members who did claim their original payment by cashing their checks.

The parties should be prepared to address these issues at the preliminary approval hearing.

**IT IS SO ORDERED.**

Dated: March 6, 2015



Vince Chhabria  
United States District Judge