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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RIMANPREET UPPAL,
Plaintiff,
v.
CVS PHARMACY, INC., et al.,
Defendants.

Case No. [14-cv-02629-VC](#)

**SUPPLEMENTAL ORDER RE
PRELIMINARY APPROVAL**

Re: Dkt. No. 32

With respect to the *cy pres* beneficiary, the parties appear to have misunderstood the Court's comments at the hearing on the motion for preliminary approval. The Court did not find that the Employment Law Center is an appropriate beneficiary. The Court stated that the parties had not named an appropriate *cy pres* beneficiary, but that it assumed there would be many appropriate beneficiaries, such as the Employment Law Center. But the Court stated that the parties would need to select a *cy pres* beneficiary and then make an appropriate showing with respect to that beneficiary in connection with the motion for final approval. If the parties wish for the Employment Law Center to be the *cy pres* beneficiary, they must demonstrate in the motion for final approval that it is an appropriate beneficiary. *See, e.g., Dennis v. Kellogg Co.*, 697 F.3d 858, 865-67 (9th Cir. 2012). If they do not do so, the motion for final approval will be denied. Incidentally, the parties also appear to have misunderstood Cal. Civ. Proc. Code § 384, which appears to apply only when a *cy pres* beneficiary has not been designated by the parties.

IT IS SO ORDERED.

Dated: September 11, 2015



VINCE CHHABRIA
United States District Judge