

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 RACHEL HOCHSTETLER, et al.,

5 Plaintiffs,

6 v.

7 PACIFIC GATEWAY CONCESSIONS
8 LLC,

9 Defendant.

Case No. 14-cv-04748-TEH

**ORDER SETTING STATUS
CONFERENCE**

10 The Court is in receipt of Consumers Union letter dated June 6, 2017. ECF No. 73. In
11 short, Consumers Union alleges the cy pres award from the parties' Settlement Agreement
12 "provide[s] little value to consumers" and that despite Pacific Gateway Concessions' efforts to
13 address prior difficulties with the gift cards redeemability, "the settlement award is fundamentally
14 flawed." Id. Further, although Plaintiffs have cited to *In re Toys "R" Us-Delaware, Inc. – Fair*
15 *and Accurate Credit Transactions Act (FACTA) Litig.*, 295 F.R.D. 438 (C.D. Cal. 2014) in support
16 of their argument that the Settlement Agreement is reasonable, ECF No. 71 at 4, Consumers
17 Union has stated they "cannot participate in the cy pres award in its current form." ECF No. 73 at
18 3.


19 As the parties are surely aware, the Court "retain[ed] continuing jurisdiction to interpret,
20 implement, and enforce the Settlement, and all orders and judgment entered in connection
21 therewith." ECF No. 57 at ¶ 20. Thus, given that the Court is tasked with enforcing the
22 Settlement Agreement, see *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1994), and
23 that problems have arisen in regard to the Settlement Agreement's cy pres award, **IT IS HEREBY**
24 **ORDERED** that a Status Conference will be held in this case before the Honorable Thelton E.
25 Henderson **on July 24, 2017 at 1:30 PM** in Courtroom 12, 19th Floor, 450 Golden Gate Avenue,
26 San Francisco, CA 94102. This conference shall be attended by lead counsel for the represented
27 parties. The parties shall come prepared to address how the Court can properly enforce the
28 Settlement Agreement's cy pres award and what changes to the cy pres award, if any, are needed.

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Also, although the Court acknowledges that Consumers Union is not a party to the case and that it has conceded it “lack[s] standing in the case,” Consumers Union – as the currently named cy pres recipient – may send a representative to attend the status conference, if wanted.

IT IS SO ORDERED

Dated: 6/20/2017



THELTON E. HENDERSON
United States District Judge