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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAERBEL MCKINNEY-DROBNIS,
JOSEPH B. PICCOLA, and CAMILLE
BERLESE, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MESSAGE ENVY FRANCHISING, LLC,
Defendant.

Case No. 16-cv-06450-MMC

**ORDER DENYING DAVID LAPA'S
ADMINISTRATIVE MOTION**

Re: Dkt. No. 125

Before the Court is David Lapa's ("Lapa") "Administrative Motion," filed September 23, 2019. Defendant Massage Envy Franchising, LLC ("MEF") has filed opposition. Having read and considered the above-referenced filings, the Court rules as follows.

By order filed June 7, 2019, the Court preliminarily approved a class action settlement in the above-titled case, which order sets forth the procedure for persons who fall within the class definition to submit a claim, to object to the settlement, and to exclude themselves from the settlement. As explained therein, a person who "timely and properly requests to be excluded from the settlement . . . will not have any right to object to, appeal from, or comment on the settlement." (See Order, filed June 7, 2019, ¶ 19.)

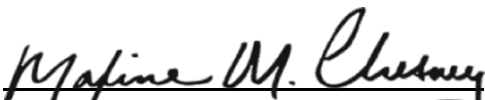
In his Administrative Motion, Lapa "requests to be excluded" and "to be afforded the right to appear at the final approval hearing to object to the settlement." (See Lapa's Admin. Mot. at 2:22-26.) As set forth above, however, such proposed procedure is precluded by the Court's June 7 Order, and Lapa fails to identify any cognizable basis for reconsideration of that order. Moreover, as Lapa acknowledges, he has already "timely

1 notified the settlement administrator of his request for exclusion" (see id. at 1:6-7), and,
2 consequently, he lacks standing to object to the settlement. See Mayfield v. Barr, 985
3 F.2d 1090, 1092 (D.C. Cir. 1993) (dismissing, for lack of standing, appeal from order
4 approving class settlement, where appellants had "withdraw[n]" from class; finding
5 persons who "have opted out" of class settlement "lack standing to object" thereto).

6 Accordingly, Lapa's administrative motion is hereby DENIED.

7 **IT IS SO ORDERED.**

8
9 Dated: October 2, 2019


MAXINE M. CHESNEY
United States District Judge