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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DIVA LIMOUSINE, LTD.,  
Plaintiff,  
v.  
UBER TECHNOLOGIES, INC., et al.,  
Defendants.

Case No. [18-cv-05546-EMC](#)

**ORDER REQUESTING  
INFORMATION FROM THE PARTIES**

Docket No. 139

Before the Court will approve the parties' Notice of Voluntary Dismissal, Docket No. 139, the Court requests information from the parties about the scope and nature of the publicity associated with this putative class action. As Federal Rule of Civil Procedure 23(e) compels: "A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs." This requirement "is to protect the interests of absent plaintiffs before permitting dismissal." *Schultzen v. Woodbury Cent. Cmty. Sch. Dist.*, 217 F.R.D. 469, 470 (N.D. Iowa 2003). Although "the class has not been certified . . . [t]his requirement [to act as the guardian of the rights of class members still] applies." *Id.* (citing *Diaz v. Trust Territory of Pacific Islands*, 876 F.2d 1401, 1407 (9th Cir. 1989)). Thus, in order to ensure that the interests of the absent plaintiffs are appropriately safeguarded, and to safeguard against any misplaced

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reliance on this suit and any consequential tolling of the statute of limitations, the parties shall file by October 15, 2019, a description of the scope of publicity and nature of the information shared with the public and putative class members about this case.

**IT IS SO ORDERED.**

Dated: October 7, 2019

  
EDWARD M. CHEN  
United States District Judge