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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEIJER, INC. & MEIJER DISTRIBUTION,
INC.; ROCHESTER DRUG CO-OPERATIVE,
INC.; and LOUISIANA WHOLESALE DRUG
COMPANY, INC., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

No. C 07-05985 CW

ORDER REGARDING
PLAINTIFFS' MOTION
FOR PRELIMINARY
APPROVAL OF
SETTLEMENT

Plaintiffs Meijer, Inc., et al., move for preliminary approval of their class action settlement with Defendant Abbott Laboratories and for approval of their proposed form of notice. Abbott does not oppose the motion.

The Court is inclined to require the parties to describe Plaintiffs' proposed plan of allocation in the Notice of Settlement. Currently, the Notice states that class members "who purchased more Norvir® and/or Kaletra® will get more money than those who purchased less Norvir® and/or Kaletra®" and that each class member's pro rata share will be based on "a Court-approved Plan of Allocation." Cramer Decl., Ex. D, at 7. However, the allocation plan does not appear in the settlement documents, and it

1 is not apparent that class members will have the opportunity to
2 review the plan before the objection deadline.

3 As soon as possible, the parties shall address this issue in a
4 joint brief not to exceed five pages.

5 IT IS SO ORDERED.

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7 Dated: 4/15/2011

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CLAUDIA WILKEN
United States District Judge

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