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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHERRI STEWART, et al.,

Plaintiffs,

v.

ERICSSON COMMUNICATION, INC.,  
et al.,

Defendants.

No. C 12-6272 PJH

**ORDER RE PROPOSED PRELIMINARY  
APPROVAL ORDER**

On November 20, 2013, the parties' motion for preliminary settlement approval came on for hearing before this court. At the hearing, the court identified a number of deficiencies with the parties' proposed order and notice form, and directed them to re-file a corrected proposed order and notice. On November 27, 2013, the parties filed an amended proposed order granting preliminary approval of the settlement and an amended notice. See Dkt. 34. While the amended documents do remedy some of the deficiencies of the originals, some deficiencies remain. For that reason, the court rejects the amended documents, and directs the parties to file a corrected proposed order and notice form with the following corrections:

1. Paragraph 6 on page 3 of the proposed order states that class counsel "will be paid . . . in the amount of \$133,333 for fees," while paragraph 1(f) on page 5 of the order states that "class counsel attorneys' fees and costs will be paid from the settlement fund in the amount of \$100,000." As an initial matter, the parties should resolve the inconsistency between these two figures; but additionally, the parties should not use the language "will be paid," as no fee award has yet been approved. Instead, the order should state that class

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counsel “will seek an award of up to” the desired amount.

2. Paragraph 7 on page 3 of the proposed order states that “Class Representative payments of \$10,000 for Plaintiff Stewart and \$5,000 for Plaintiff Ighanian [] shall be paid from the Settlement Fund,” but because those payments have not yet been approved, the paragraph should state that the named plaintiffs “will be paid up to” the desired amounts.
3. Page 3 of the notice form (Ex. A to the proposed order) states that class counsel will be paid “up to one-third (1/3) of the gross settlement amount),” but does not include the corresponding dollar amount of the award.
4. The proposed order makes no mention of the \$8,390 mediator’s fee that will be paid out of the settlement fund.
5. Paragraph 1(d) on page 4 of the proposed order states that “Class Settlement Administrative Costs will be paid from the Settlement Fund,” but does not include the amount of those costs.
6. Paragraph 10 on page 6 of the proposed order states that the final approval hearing will take place “at 9:00am in Courtroom 3 of the United States District Court for the Northern District of California,” but does not specify that the hearing will take place in the Oakland Courthouse.

The parties are directed to file a corrected proposed order, in accordance with this order, by **3:00pm** on **December 4, 2013**. Assuming this deadline is met, the parties should delete the bracketed and bolded anticipated dates noted in the proposed order.

**IT IS SO ORDERED.**

Dated: December 3, 2013

  
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PHYLLIS J. HAMILTON  
United States District Judge