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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 STIPULATION TO EXTEND  
CLASS CLAIMS PERIOD**

Before the court is the parties' stipulation requesting an extension of the class claims period. Under the original schedule, class members were due to submit their claims by February 3, 2014; the claims administrator was to certify completion of the claims period by February 10, 2014; and plaintiffs' counsel was to file a statement of completion by February 17, 2014. See Dkt. 37 at 3. The parties now seek to extend the claims submission deadline to February 21, 2014; the deadline for certifying completion of the claims period to February 26, 2014; and the deadline for filing a statement of completion to February 28, 2014. The request is based on the fact that "additional class members have communicated with class representative Sherri Stewart and class counsel, and have informed them that they wish to submit claims." Dkt. 38 at 2. The parties thus request these extensions of deadlines "to allow those class members who have communicated a desire to submit claims to do so." Id.

The court notes that, when the parties moved for preliminary approval of the proposed settlement, they stated that the class consisted of 38 individuals who could be "readily identified through payroll records and other documents in possession" of defendant. Dkt. 31 at 14-15. In the current stipulation, the parties do not make clear

1 whether the “additional class members” who now “wish to submit claims” are part of the  
2 originally-identified 38 class members, or whether these are newly-identified individuals. If  
3 they are newly-identified, it would appear that the parties’ original estimate of 38 class  
4 members was incorrect, which raises the question of whether the parties’ notice was  
5 sufficient to reach all individuals who should have been included in the class. Regardless,  
6 the court does agree that all class members should be given sufficient time to submit  
7 claims, and therefore GRANTS the parties’ stipulation.

8         However, the parties’ stipulation does not include a date for the filing of a motion for  
9 final approval, and indeed, the preliminary approval order also fails to include any such  
10 date. Thus, the parties are directed to file a motion for final settlement approval by  
11 **February 19, 2014**. In addition to addressing Rule 23(a) and 23(b), the requested  
12 attorneys’ fees, and the requested service payments for the named plaintiffs, the motion  
13 must also address the issues raised above – namely, (1) whether the parties’ original  
14 estimate of 38 class members was accurate, and (2) whether the parties’ notice reached all  
15 individuals who should have been included in the class. Because the motion for final  
16 approval will be filed before the end of the claims period, the court will allow plaintiffs’  
17 counsel to file a brief “statement of completion” on February 28, 2014, but that statement  
18 shall merely update the court regarding any claims received just before the submission  
19 deadline, and shall be limited to five pages.

20         The motion for final approval shall be heard at 9:00am on March 5, 2014, the same  
21 hearing date that was set forth in the court’s preliminary approval order.

22  
23         **IT IS SO ORDERED.**

24 Dated: February 13, 2014

  
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PHYLLIS J. HAMILTON  
United States District Judge