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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IGNACIO PEREZ,

Plaintiff,

v.

RASH CURTIS & ASSOCIATES,

Defendant.

Case No. 16-cv-03396-YGR

**ORDER GRANTING MOTION TO ADVANCE
HEARING DATE AND MOTION TO APPROVE
THE OCTOBER 11, 2019 ASSIGNMENT**

Re: Dkt. Nos. 386, 387

The Court telephonically conferred with the parties on October 21, 2019. (*See* Dkt. No. 391.) The parties confirmed during this conference that defendant would not file an opposition with the Court on either the Motion to Approve the October 11, 2019 Assignment, (Dkt. No. 386) or to the Motion to Advance the Hearing Date on the Motion to Approve the October 11, 2019 Assignment. (Dkt. No. 387.) Any opposition to the Motion to Approve the October 11, 2019 Assignment under an advanced hearing date would have been due by October 22, 2019. No such responses were received.

Therefore, upon consideration of the parties' responses at the October 21, 2019 telephone conference and that no such opposition or objection was received, the Court advances the hearing date on the Motion to Approve the October 11, 2019. In light of no stated or received opposition and for the reasons stated in the Motion to Approve the October 11, 2019 Assignment, the Court finds it appropriate to approve the October 11, 2019 assignment, and further concludes that no hearing on the Motion to Approve the October 11, 2019 Assignment is necessary. *See* Civil Local Rule 7-1(b) ("In the Judge's discretion . . . a motion may be determined without oral argument.").

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Accordingly, the Court **GRANTS** the Motion to Advance the Hearing Date and **GRANTS** the Motion to Approve the October 11, 2019 Assignment pursuant to Fed. R. Civ. P. 23(d)(1)(C), subject to two conditions:

- (1) Plaintiff, through Class Counsel, shall promptly notify the Court of the recovery, if any, obtained on behalf of Class Members as a result of the Assignment; and
- (2) Any recovery obtained as a result of the Assignment shall be held in trust until this Court approves a fair, reasonable, and adequate method for distributing the proceeds of the recovery to Class Members.

This Order terminates the motions at Docket 386 and 387.

IT IS SO ORDERED.

Dated: October 25, 2019


YVONNE GONZALEZ ROGERS
United States District Judge