

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Vlaho Miletak, et al.,
Plaintiffs,
v.
Allstate Insurance Company, et al.,
Defendants.

NO. C 06-03778 JW

**ORDER APPROVING PLAINTIFFS’
PROPOSED CLASS NOTICE**

Presently before the Court are Proposed Class Notices filed separately by the parties.¹ On April 7, 2010, the Court issued an order approving Defendants’ Proposed Class Notification Plan and directing the parties to submit a Joint Class Notice on or before April 19, 2010.² In particular, the Court reserved decision on the proposed class notices in order to give Plaintiffs time to review Defendants’ edits, which the Court found to comport with the exemplar class certification notice. (April 7, 2010 Order at 3.)

On April 19, 2010, the parties notified the Court that they again failed to come to complete agreement as to the form of the Proposed Class Notice. (See Plaintiffs’ Notice at 1; Defendants’ Notice at 1.) However, the Court finds that the differences in the current proposals are minimal.

¹ (Plaintiffs’ Revised Proposed Class Notice, hereafter, “Plaintiffs’ Notice,” Docket Item No. 252; Defendants Allstate Insurance Company’s and Allstate Indemnity Company’s Submission of Proposed Class Notice, hereafter, “Defendants’ Notice,” Docket Item No. 253.)

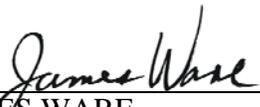
² (Order Approving Defendants’ Proposed Class Notification Plan; Reserving Decision on Proposed Class Notice; Setting Deadline for Submission of Joint Proposed Class Notice, hereafter, “April 7, 2010 Order,” Docket Item No. 251.)

1 Upon review, the Court finds that Plaintiffs' Proposed Class Notice now comports with the Court's
2 previous Order.

3 Insofar as the Defendants object to the association of Mr. Mark Millen with Class Counsel,
4 the Court rejects Defendants' objection. The Court finds that Mr. Millen has been an attorney in the
5 case since the filing of the initial Complaint. (See Notice of Removal, Ex. B, Docket Item No. 1.)
6 The Court further finds that Defendants' characterization of Plaintiffs' request as an attempt to
7 identify Mr. Millen as Class Counsel is without merit. Plaintiffs' Proposed Class Notice clearly
8 indicates that Mr. Samuel Kornhauser is Class Counsel and that Mr. Millen's role is that of an
9 associated attorney. (See Plaintiffs' Notice, Ex. 1 at 5.) Further, Defendants do not identify any
10 prejudice that they would suffer as a result of Class Counsel associating with another attorney.

11 Accordingly, the Court hereby APPROVES Plaintiffs' Proposed Class Notice. The parties
12 shall direct notice to class members as required in the Court's April 7, 2010 Order.

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14 Dated: May 3, 2010



JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: May 3, 2010**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**

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