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

Juanita Swain,  
Plaintiff,  
v.  
CACH, LLC, et al.,  
Defendants.

NO. C 08-05562 JW

**ORDER SETTING DEADLINE TO  
SELECT THIRD-PARTY CLASS  
ADMINISTRATOR, SUBMIT AMENDED  
PROPOSED ORDER, AND SELECT DATE  
FOR HEARING ON FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT  
AGREEMENT**

On April 12, 2010, the Court conducted a hearing on the parties’ Joint Motion for Conditional Certification and Preliminary Approval of Class Action Settlement Agreement. (hereafter, “Joint Motion,” Docket Item No. 78.) At the hearing, the Court expressed its concern with the parties’ proposal that CACH act as Class Administrator, due to its potentially conflicting roles as a Defendant in the case and a party to the Settlement Agreement. Thus, the Court reserves its decision on the parties’ Joint Motion until such time that the parties’ are able to adequately address the Court’s stated concern.

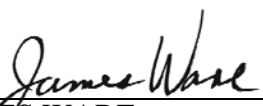
Accordingly, the Court orders as follows:

- (1) On or before **April 16, 2010**, the parties shall select an independent third-party Class Administrator and shall allocate among themselves any costs associated with administering the Settlement Agreement.
- (2) On or before **April 19, 2010**, the parties shall submit to the Court an Amended Proposed Order reflecting the new Class Administrator and allocation of costs, and

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fill in the hearing date for the anticipated Joint Motion for Final Approval of Class Action Settlement. The Court will make available to the parties **June 28, 2010 at 9 a.m.** or **September 27, 2010 at 9 a.m.** for the hearing. The parties shall include their preferred hearing date in the Amended Proposed Order.

Dated: April 13, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

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

2 Kathleen Mary Kushi Carter kcarter@hollins-law.com  
3 Linda Luna lluna@hollins-law.com  
4 Scott C. Maurer smaurer@scu.edu  
5 Stephen Alter Scott sscott@hayesdavis.com  
6 William Eric Kennedy willkennedy@pacbell.net

7

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**Dated: April 13, 2010**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**

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