

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

| GUIFU LI, MENG WANG, FANG DAI, LIN CUI, and ZHONG YU, on behalf of themselves and all others similarly situated, |) Case No.: 5:10-CV-01189-LHK) |
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| Plaintiffs, v. | ORDER REGARDING NOTICE OF SETTLEMENT) |
| A PERFECT FRANCHISE, INC, a California Corporation, et al., |))) |
| Defendants. |))) |

Plaintiffs have filed a revised class notice to be distributed to the class in compliance with this court's April 6, 2012 Order. ECF No. 464, 466.

The Court is still concerned that there are several issues with the class notice that must be addressed before it can be distributed to the class. First, in Section 2 ("What Is This Class Action Lawsuit About?"), in the last sentence of the section, Plaintiffs should delete "Guifu Li, Lin Cui, Meng Yang, Fang Dai, and Zhong Yu" from the sentence so that the notice is consistent with the terms of the settlement that extinguish all claims all Plaintiffs may have against Tom Schriner. Second, in Section 3 ("How Will the Settlement Affect Me?"), Plaintiffs must clarify further how they anticipate the claims to be distributed to the class. Although the precise amount of recovery to each class member is not required, the notice must describe "the aggregate amount of the proposed settlement and *the formula for computing recoveries*" so that class members may make an

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informed decision regarding whether or not to opt out of the settlement. *See Torrisi v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1373-74 (9th Cir. 1993). Finally, the notice must include the total amount (\$8,000), that counsel may seek to recover in attorneys' fees from Tom Schriner's \$20,000 cash payment.

By Tuesday, April 10, 2012 at 7:00 p.m., Plaintiffs shall file a revised Notice. Defendant may file any objection to the revised notice no later than Wednesday, April 11, 2012 at noon. Additionally, Plaintiffs shall e-mail an electronic copy of the Notice to the Court's proposed order inbox.

IT IS SO ORDERED.

Dated: April 10, 2012

United States District Judge

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