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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN BARRERA,

Plaintiff,

v.

THE HOME DEPOT U.S.A., INC.,

Defendant.

Case No.:12-CV-05199-LHK

**AMENDED ORDER REGARDING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Re: Dkt. Nos. 90, 91

This Order supersedes ECF No. 102, which was filed in error.

On February 19, 2015, the Court held a hearing on the parties’ joint motion for final approval of class action settlement, ECF No. 90, and Plaintiffs’ motion for approval of attorneys’ fees and costs and class representative enhancement, ECF No. 91.

The Court intends to grant both motions. However, on February 17, 2015, Defendant notified the Court that Defendant was required to provide a Class Action Fairness Act Notice of Proposed Settlement (“CAFA Notice”) to appropriate federal and state officials. ECF No. 100, at 3. Defendant takes the position that CAFA Notice is required in this case to effectuate the class release in the proposed settlement. Pursuant to 28 U.S.C. § 1715(d), for a case in which CAFA Notice is required, “[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the

1 appropriate State official are served with the notice required.” 28 U.S.C. § 1715(d). Defendant
2 provided CAFA Notice on February 13, 2015, and accordingly Defendant requests that the Court
3 not grant final approval to the settlement until May 18, 2015. ECF No. 100, at 3-4.

4 Pursuant to Defendant’s request, the Court will not grant final approval at this time. A
5 further final approval hearing is scheduled for May 21, 2015, at 1:30 p.m.

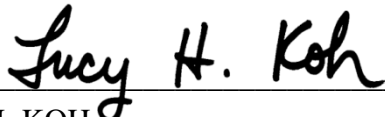
6 In addition, at the February 19, 2015 final approval hearing the Court ordered the parties to
7 make several changes to the proposed order granting final approval of class action settlement, ECF
8 No. 90-8, and proposed order granting Plaintiffs’ motion for attorneys’ fees and costs and class
9 representative enhancement, ECF No. 91-2. These changes include:

- 10 • Updating the final approval order with the number of class members who opted out
11 of the settlement.
- 12 • Incorporating in the final approval order discussion of the objection filed by Kamal
13 Chafiane and a response thereto with citation to appropriate authorities. ECF No.
14 89.
- 15 • Incorporating in the order for attorneys’ fees and costs Plaintiffs’ justification for
16 their attorneys’ fees request with citation to appropriate authorities.

17 The parties shall file revised proposed orders by March 12, 2015. The parties shall also
18 email electronic copies of the revised proposed orders to LHKCRD@cand.uscourts.gov.

19 **IT IS SO ORDERED.**

20 Dated: February 19, 2015

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22 _____
23 LUCY H. KOH
24 United States District Judge