

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THANH HUYNH, et al.,  
Plaintiffs,  
v.  
KATHERINE HARASZ, et al.,  
Defendants.

Case No. 14-CV-02367-LHK

**ORDER GRANTING MOTION FOR  
PRELIMINARY APPROVAL AND  
ORDER DENYING AS MOOT ALL  
OTHER PENDING MOTIONS**

Re: Dkt. Nos. 113, 118, 119, 120, 121 & 139

Plaintiffs<sup>1</sup> bring this action against the Housing Authority of the County of Santa Clara (“HACSC”) and Katherine Harasz, in her official capacity as HACSC’s Executive Director (collectively, “Defendants”). Before the Court is Plaintiffs’ motion for preliminary approval of class action settlement. ECF No. 139 (“Mot.”). Plaintiffs’ motion for preliminary approval included copies of the Settlement Agreement and proposed Notice. ECF No. 141-1 (“Settlement Agreement”); ECF No. 141-2 (“Notice”).

After reviewing the motion for preliminary approval, the Settlement Agreement, and the

<sup>1</sup> The named Plaintiffs are Thanh Huynh, Venus Benabides, Rudy Garcia, Lynda Gomes, Nicholas Wallace, Lillie Ware, Stephen Jones, Dehab Haile, and Freihiwet Tesfamariam.

1 proposed Notice, the Court issued an order on September 1, 2016 with questions about the  
2 Settlement Agreement and proposed Notice. ECF No. 146. The parties filed their responses on  
3 September 8, 2016. ECF Nos. 146 & 147. The Court held a hearing on the motion for  
4 preliminary approval of class action settlement on September 15, 2016. During the Preliminary  
5 Approval Hearing, the Court proposed a number of suggested changes to the proposed Notice, to  
6 which the parties agreed. Accordingly, these changes have been incorporated into the Amended  
7 Notice accompanying this Order. ECF No. 149-1 (red-lined copy of Amended Notice); ECF No.  
8 149-2 (red-lined copy of Objection Form); ECF No. 149-3 (clean copy of Amended Notice); ECF  
9 No. 149-4 (clean copy of Objection Form)

10 Having considered the parties' submissions, the relevant law, the record in this case, the  
11 parties' responses to the Court's September 1, 2016 questions, and the statements at the September  
12 15, 2016 hearing,

13 **IT IS HEREBY ORDERED** as follows:

- 14 1. All defined terms contained herein shall have the same meaning as set forth in the  
15 Settlement Agreement executed by the parties and filed with the Court.
- 16 2. "Preliminary approval of a settlement and notice to the proposed class is  
17 appropriate if 'the proposed settlement appears to be the product of serious, informed, non-  
18 collusive negotiations, has no obvious deficiencies, does not improperly grant preferential  
19 treatment to class representatives or segments of the class, and falls within the range of possible  
20 approval.'" *Willner v. Manpower Inc.*, 2015 WL 54349, \*2 (N.D. Cal. Jan. 2, 2015) (quoting *In re*  
21 *Tableware Antitrust Litig.*, 484 F. Supp. 2d 1078, 1079 (N.D. Cal. 2007)).

22 3. The Court finds that the proposed Settlement Agreement is within the range of  
23 fairness and reasonableness. The Court finds that the Settlement Agreement represents a  
24 comprehensive settlement of the issues in the instant case, that the Settlement Agreement achieves  
25 a fair and equitable result, and that the Settlement Agreement will result in significant long-term  
26 benefits to Class Members. Plaintiffs' motion for preliminary approval of class action settlement  
27 is therefore GRANTED, contingent upon the parties sending out the Amended Notice. *See* ECF

1 No. 149-1 (red-lined copy of Amended Notice); ECF No. 149-2 (red-lined copy of Objection  
2 Form); ECF No. 149-3 (clean copy of Amended Notice); ECF No. 149-4 (clean copy of Objection  
3 Form).

4 4. Because the Court has granted the motion for preliminary approval, all other  
5 pending motions on the docket are DENIED AS MOOT. ECF Nos. 113, 118, 119, 120 & 121.

6 5. The Court finds that the Amended Notice satisfies the requirements of due process  
7 and Federal Rule of Civil Procedure 23.

8 6. The Court approves the Amended Notice and directs that the Amended Notice be  
9 delivered in accordance with the Settlement Agreement.

10 7. Any Class Member who desires to object to the Settlement Agreement shall mail  
11 such objection to:

12 LHK Courtroom Deputy  
13 United States District Court for the Northern District of California  
14 280 S 1st St  
15 San Jose, CA 95113  
16 Re: *Huynh v. Harasz*

17 8. All objections must be signed and must (1) state whether the objector or counsel on  
18 behalf of the objector intends to attend the Final Approval Hearing, (2) declare that the objector is  
19 a Class Member, and (3) describe the reasons for the objection.

20 9. The Court shall hold a Final Approval Hearing on December 15, 2016, at 1:30 p.m.

21 10. Prior to the Final Approval Hearing, Plaintiffs shall file their motion in support of  
22 final approval of the Settlement Agreement, and Class Counsel shall file their motion for  
23 attorney's fees, costs, and service awards to the Class Representatives. The motion for attorney's  
24 fees, costs, and service awards must include (1) the number of hours spent on this litigation by  
25 each biller, (2) detailed billing records showing how much time was spent on each task, and (3)  
26 each biller's billable rate and justification for such rate. For each biller who worked on this action,  
27 Class Counsel must specify whether any court within the Northern District of California has  
28 approved the biller's billable rate.

11. The parties are to notify the Court as soon as the U.S. Department of Housing and

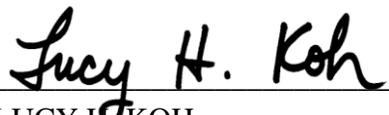
1 Urban Development (“HUD”) approves the Settlement Agreement. If HUD approves the  
2 Settlement Agreement, the parties shall promptly file with the Court a schedule which includes  
3 proposed dates for: (1) when the Notice shall be disseminated; (2) when the parties shall file an  
4 affidavit stating that the Notice has been disseminated; (3) when the motion for attorney’s fees,  
5 costs, and service awards and the motion for final approval of class action settlement shall be  
6 filed; (4) the deadline to mail objections; and (5) when the replies in support of the motion for  
7 attorney’s fees, costs, and service awards and the motion for final approval of class action  
8 settlement shall be filed. The motion for attorney’s fees, costs, and service awards should be filed  
9 at least two weeks before the deadline to mail objections.

10 12. All parties are ordered to comply with the terms of the Settlement Agreement.

11 13. Jurisdiction by this Court is retained over this litigation and the parties to this  
12 litigation, and each of the Class Members for all matters relating to this litigation, the Settlement  
13 Agreement, including (without limitation) all matters relating to the administration, interpretation,  
14 effectuation, and/or enforcement of the Settlement Agreement and this Order.

15 **IT IS SO ORDERED.**

16 Dated: September 15, 2016.

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19 LUCY H. KOH  
20 United States District Judge

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