

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MALINA KINDT, et al.,  
Plaintiffs,  
v.  
AEROVIAS DE MXICO, S.A. DE C.V,  
et al.,  
Defendants.

Case No. 17-cv-04999 NC

**ORDER TO SHOW CAUSE  
REGARDING SETTLEMENT  
AGREEMENT, AND SETTING  
FAIRNESS HEARING**

Re: Dkt. No. 37

The parties filed a stipulation of dismissal without prejudice on April 6, 2018. Dkt. No. 37.

The parties cite Federal Rule of Civil Procedure 23(e), stating that Court approval of the settlement agreement is not required for dismissal of a pre-certification class action. *Id.* at 2. Ninth Circuit precedent states otherwise. *Lane v. Facebook, Inc.*, 696 F.3d 811, 819 (9th Cir. 2012) (requiring, in a pre-certification class action, that district courts evaluate the fairness of settlements “to ensure that class representatives and their counsel do not secure a disproportionate benefit at the expense of the unnamed plaintiffs who class counsel had a duty to represent” (internal citations and quotations marks omitted)). However, the Court will give the parties an opportunity to persuade the Court why it should not apply *Lane* here, if they desire.

The parties are thus ORDERED to, by April 16, 2018: (1) produce to the Court the settlement agreement, or (2) file with the Court a brief, not to exceed 3 pages, stating why  
Case No. 17-cv-04999 NC

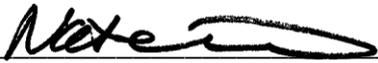
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the Court should not apply *Lane*.

The Court will hold a hearing on the fairness of the settlement agreement on April 18, 2018, during the already-scheduled 10:00 a.m. case management conference.

**IT IS SO ORDERED.**

Dated: April 9, 2018

  
NATHANAEL M. COUSINS  
United States Magistrate Judge