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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 CONNIE DIBEL, BELINDA HAGEN and
12 VANESSA BROWN, individually and on
behalf of others similarly situated,

13 Plaintiff,

14 vs.

15 JENNY CRAIG, INC., JENNY CRAIG
16 WEIGHT LOSS CENTRES, INC.; JENNY
17 CRAIG PRODUCTS; JENNY CRAIG
OPERATIONS, and DOES 1 through 50,

18 Defendant.

CASE NO. 06CV2533 JLS (AJB)

**ORDER (1) DENYING MOTION
FOR PRELIMINARY APPROVAL
OF CLASS SETTLEMENT and (2)
DIRECTING PARTIES TO
REFILE MOTION WITH
SPECIFIED CHANGES**

(Doc. No. 198)

19
20 Presently before the Court is the parties Joint Motion for Preliminary Approval for Class
21 Settlement. (Doc. No. 198.) On September 24, 2009, the Court held a hearing on the joint motion and
22 discussed remaining perceived flaws in the proposed settlement.¹ After further review of the papers
23 and the parties' responses to the Court's questions at the hearing, the Court **DENIES** the motion
24 **WITHOUT PREJUDICE**. The parties **SHALL REFILE** the motion on or before October 5, 2009.
25 A hearing/status conference is set for October 22, 2009.

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28 ¹ A previous joint motion for preliminary approval was denied by this Court on July 6, 2009.
(Doc. No. 192.)

1 The refiled motion **SHALL ADDRESS** the following deficiencies in the parties second joint
2 motion:

3 — Explain how the proposed notices to both the FLSA class and the state class satisfy the relevant
4 provisions of FRCP 23(c)(2). Direct the Court to specific provisions, paragraphs, sections, etc. of the
5 notices which comply with such requirements.

6 — Confirm or correct that the language in the notices and claim form (exhibits A, B, and C to the
7 Proposed Consent Decree) is the same as the language in the Proposed Consent Decree, especially
8 regarding the releases and other areas that have been amended pursuant to this Court's Orders.

9 — Provide the Court with a red-lined version of the Proposed Consent Decree and its exhibits, the
10 Joint Motion, the memorandum in support of the Joint Motion, and the Proposed Order, comparing
11 the original papers filed on May 29, 2009 (Doc. No. 192) with the papers to be filed in accordance
12 with this Order.

13 — Double check the accuracy of the Proposed Order emailed to the Court, especially regarding the
14 amount of service payments to be awarded to the Named Plaintiffs (as this differs from the amounts
15 set forth in the original proposed order submitted to the Court in July 2009).

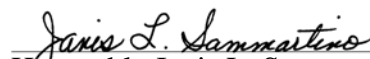
16 — Clarify Proposed Consent Decree, page 44, line 7 to further emphasis that the decision of the
17 parties regarding the allocation and payment of settlement administrative costs is subject to the
18 Court's approval.

19 — Correct the following typographical error: Memorandum in support of Joint Motion, page 15, lines
20 3 - 8 (sentence cut off or incorrectly inserted).

21 — Review all documents submitted to the Court thoroughly, making sure all amendments have been
22 made throughout and in strict compliance with the Courts Orders.

23
24 IT IS SO ORDERED.

25
26 DATED: September 24, 2009

27 
28 Honorable Janis L. Sammartino
United States District Judge