

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DJENEBA SIDIBE, JERRY JANKOWSKI, SUSAN
HANSEN, DAVID HERMAN, OPTIMUM
GRAPHICS, INC., and JOHNSON POOL & SPA, on
Behalf of Themselves and All Others Similarly
Situating,

Plaintiffs,

vs.

SUTTER HEALTH,

Defendant.

Case No. 3:12-cv-4854-LB

**[PROPOSED] ORDER APPROVING
FORM AND MANNER OF NOTICE TO
THE CLASS**

On October 22, 2020, the Court heard oral argument on Plaintiffs' Motion to Approve the Form and Manner of Notice to the Class. Having considered the parties' submissions, oral argument, the relevant law, and the record in this case, the Court **GRANTS** Plaintiffs' Motion to Approve the Form and Manner of Notice to the Class with the modification that published notice be limited to publication in newspapers, a case website, and digital publication to extend notice to entity Class Members, as set forth in paragraphs 28, 36 and 38 of the Keough Declaration (ECF No. 856-2). The Court further orders as follows:

1 1. The Court finds that Plaintiffs’ proposed notice program fully complies with Federal
2 Rule of Civil Procedure 23 and due process and constitutes the best notice practicable under the
3 circumstances.

4 2. The Court finds that taken together, mailing by U.S. Mail, and emailing the
5 Summary Notice to those addresses of class members that are available to Class Counsel, and
6 publication notice: (i) are the best notice practicable; (ii) are reasonably calculated to, under the
7 circumstances, to apprise members of the Class of the action and of their right to exclude
8 themselves; (iii) are reasonable and constitute due, adequate, and sufficient notice to all persons
9 entitled to receive notice; and (iv) meet all applicable requirements of due process and any other
10 applicable requirements under federal or state law.

11 3. The Court approves the form of the: a) Long Form Notice of Pendency attached to
12 the Keough Declaration at Exhibit B; b) Postcard Notice attached to the Keough Declaration as
13 Exhibit C; c) Email Notice attached to the Keough Declaration as Exhibit D; d) Summary Notice
14 for publication attached to the Keough Declaration as Exhibit E; and e) examples of the digital ads
15 attached to the Keough Declaration as Exhibit F.¹

16 4. Class Counsel has retained JND Legal Administration (“JND”), an experienced
17 class notice administration firm, to administer notice to the Class. The Court appoints JND as the
18 Class Notice Administrator. JND shall provide notice of pendency of the class action consistent
19 with the procedures outlined in the Keough Declaration.

20 5. Dissemination of notice shall commence on December 15, 2020 and shall conclude
21 no later than January 22, 2021 (“Notice Period”).

22 6. Class Members may elect to not be part of the Class. To request to be excluded from
23 the Class, Class Members must timely submit a written request for exclusion. The request for
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28 ¹ Non-substantive changes, such as typographical errors, can be made to the notice documents by
agreement of the Parties without leave of Court.

1 exclusion must be sent by postal mail to JND. To be excluded from the Class, the request for
2 exclusion must be postmarked by the Exclusion Deadline, which shall be March 8, 2021, 45 days
3 after the conclusion of the Notice Period. Any person or entity who falls within the definition of
4 the Class and who validly and timely requests exclusion from the Class shall not be a Class
5 Member and will not be entitled to any money or benefits that may result from a trial or settlement
6 of the lawsuit but will be bound by any injunctive relief that the Court may order in the lawsuit.
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8 **IT IS SO ORDERED.**

9 Dated: November 5, 2020



10 THE HONORABLE LAUREL BEELER
11 UNITED STATES MAGISTRATE JUDGE
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