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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SHEILA DASHNAW <i>et al.</i> ,  Plaintiff,  v.  NEW BALANCE ATHLETICS, INC.,  Defendant.
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Case No.: 17cv159-L(JLB)

**CLASS ACTION**

**ORDER RE: JOINT EMERGENCY  
MOTION TO CLARIFY ORDER**

On January 24, 2019, the Court issued the Order Granting Plaintiff's Second Renewed Motion for Preliminary Approval of Settlement. (*See* doc. no. 108 ("Jan. 24 Order").) Among other things, the January 24 Order preliminarily approved the proposed class action settlement contained in the Amended Settlement Agreement signed December 7, 2018 (doc. no. 106-3 ("Settlement")), set the content and procedure for a full length and summary notice to the settlement class, and provided a schedule through the final settlement approval hearing. On February 15, 2019, the parties filed a Joint Motion to Modify Notice Plan, Class Notice, and Settlement Implementation Dates (doc. no. 110 ("Joint Mot.")), seeking relief from failure to timely comply with the January 24 Order. On February 20, 2019, the Court granted in part and denied in part the Joint Motion. (Doc. no. 111 ("Order")). On February 21, 2019, the parties filed the pending Joint Emergency Motion to Clarify Order. (Doc. no. 112 ("Emergency Mot."))

1 In the Order, the Court granted the parties' request to change notice by publication  
2 from the print edition of the Los Angeles Times to the print edition of the People  
3 Magazine, California edition, and ordered them to comply with this and certain other  
4 aspects of the Order no later than February 22, 2019. (Order at 4, 5.) For the first time  
5 in their Emergency Motion, the parties disclose that the first available publication date  
6 for notice in People Magazine, California edition, is March 22, 2019. (Emergency Mot.  
7 at 2.)<sup>1</sup> Because the Order provides sufficient time for the Class members to receive  
8 notice and respond, the parties' request for relief from the Order is granted in this respect  
9 only. In all other respects, the Order remains in effect, including the remainder of item 1  
10 on page 4 of the Order, as listed in the Emergency Motion at page 1, lines 21-27.

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12 **IT IS SO ORDERED.**

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14 Dated: February 22, 2019

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16 Hon. M. James Lorenz  
17 United States District Judge  
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27 <sup>1</sup> It is highly concerning that in their Joint Motion the parties failed to disclose another  
28 material piece of information - that by changing the publication, the notice would appear much less  
frequently, every two or three weeks (Emergency Mot. at 2), instead of four times a week (Finegan  
Decl. (doc. no. 106-14) ¶ 14).