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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Wineesa Cole, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

Asurion Corporation, a Delaware Corporation, Asurion Insurance Services, Inc., a Tennessee Corporation, T-Mobile USA, Inc., a Delaware Corporation, Liberty Mutual Insurance Company, a Massachusetts Corporation, and DOES 1 through 500,

Defendants.

Case No. CV-06-6649-R (JCx)

Before The Honorable L. Manuel Real

Order Granting Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement

Date: December 7, 2015

Time: 10:00am

Courtroom: 8

**ORDER**

1  
2 The Court has determined that Plaintiff’s Unopposed Motion for Preliminary  
3 Approval of Class Action Settlement set for hearing on December 7, 2015 is  
4 suitable for a decision on the papers without oral argument. The Court having  
5 considered the papers submitted HEREBY ORDERS THE FOLLOWING:

6 1. To the extent terms in this Order are defined in the Settlement  
7 Agreement and Release (“Settlement Agreement”) submitted to the Court as Exhibit  
8 2 to the Declaration of Taras Kick, Esq., such terms shall have the same meaning in  
9 this Order as in the Settlement Agreement.

10 2. The Court grants preliminary approval of the Settlement based upon  
11 the terms set forth in the Settlement Agreement and the Motion for Preliminary  
12 Approval, and based upon the Declarations of Taras Kick, Jonathan Carameros, and  
13 Daniel Linde in Support of Preliminary Approval, and all of the briefing and  
14 information submitted in this case to date.

15 3. The Court preliminarily finds that the Settlement Agreement has been  
16 reached as a result of intensive, serious, and non-collusive arms-length negotiations.  
17 The Court notes that a class was previously certified in this matter, that extensive  
18 discovery has occurred, and that the case was litigated up until the eve of trial, and  
19 up to the point of oral argument at the Ninth Circuit. The Court preliminarily finds  
20 that counsel for the parties are able to reasonably evaluate their respective positions.  
21 The Court also preliminarily finds that settlement at this time will avoid substantial  
22 additional costs to all parties, as well as the uncertainty and risks that would be  
23 presented to the parties by further litigation of the claims resolved by the Settlement  
24 Agreement. The Court has reviewed the relief granted by the Settlement  
25 Agreement and recognizes the significant value to the Class of that relief.

26 4. The Settlement is supported by the recommendations of counsel and  
27 was negotiated at arms-length, and is thus presumptively valid, subject to any  
28 objections that may be raised at the fairness hearing, and to final approval by this

1 Court.

2 5. The Court approves as to form and content the Long Form Notice of  
3 Class Action Settlement, and the Short Form Notice of Class Action Settlement  
4 attached to the Declaration of Jonathan Carameros as Exhibit A.

5 6. The Court directs the mailing of the Short Form Notice to be  
6 accomplished by December 21, 2015. The settlement administrator is to post the  
7 Long Form Notice and Claim Form on the settlement website by December 21,  
8 2015. The Court finds that this procedure meets the requirement of due process and  
9 Federal Rule of Civil Procedure 23(e), and is the best notice practicable under the  
10 circumstances.

11 7. The Court appoints Kurtzman Carson Consultants (KCC) as the  
12 settlement administrator based on the Declaration of Jonathan Carameros attesting  
13 to KCC's experience and qualifications.

14 8. Class Counsel will file their motion for fees and costs no later than  
15 January 11, 2016, which is 15 days before the deadline for class members to file  
16 objections. A copy of the motion will be posted on the settlement website by this  
17 same January 11, 2016, date.

18 9. The deadline for class members to object to or opt out of the settlement  
19 is January 26, 2016. To be valid and considered by the Court, the objection must  
20 be sent by first class mail, postage pre-paid, to the Court and the settlement  
21 administrator. The objection must be postmarked on or before January 26, 2015,  
22 and must include i) a heading referring to the *Cole v. Asurion* action; ii) the  
23 objector's name, address, telephone number, and the contact information for any  
24 attorney retained by the objector in connection with the objection or otherwise in  
25 connection with the Litigation; iii) a statement of the factual and legal basis for  
26 each objection and any exhibits the objector wishes the Court to consider in  
27 connection with its objection; and, iv) a statement as to whether the objector intends  
28 to appear at the Final Approval Hearing, either in person or through counsel, and if

1 through counsel, identifying the counsel by name, address and telephone number.

2 10. The parties are to file any responses to objections by February 8, 2016.

3 11. A final fairness hearing on whether the proposed settlement, attorneys'  
4 fees and costs, the Class Representative's service award and the *cy pres* recipient  
5 should be approved as fair, reasonable, and adequate to the members of the  
6 Settlement Class will be held on February 15, 2016 at 10:00am.

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8 Dated: November 23, 2015

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Honorable Manuel L. Real

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