

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GORDON NOBORU YAMAGATA, et al.,

Plaintiffs,

v.

RECKITT BENCKISER LLC,

Defendant.

Case No. [17-cv-03529-VC](#)

**ORDER REGARDING MOTION FOR
PRELIMINARY APPROVAL**


Re: Dkt. No. 203

For the reasons discussed at the hearing, the motion for preliminary approval of the class settlement is denied. If the parties choose to file a renewed motion for preliminary approval, in addition to the issues discussed at the hearing, the motion should also address the following question:

For each household that selects the product benefit, what is the proper per-bottle amount to deduct from the Common Fund? For example, suppose a household makes a claim for one bottle, and chooses the product benefit. That household is entitled to \$75 in product. If \$75 is deducted from the Common Fund, does the household's choice of the product benefit rather than the \$22 cash benefit harm the other class members by disproportionately reducing the amount of money available to satisfy other claims (by either increasing the number of claimants or increasing the pro rata share for each claim)? Should the Common Fund instead be reduced by the amount of Reckitt Benckiser's lost profit for giving away the product, or by the settlement's "cash equivalent" (that is, \$22)? The renewed motion must clearly identify what amount will be deducted from the Common Fund for each bottle's worth of product benefit claimed and explain why that amount is proper and fair to the class members.

IT IS SO ORDERED.

Dated: March 29, 2021



VINCE CHHABRIA
United States District Judge