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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

STEVEN ROBERT PRESCOTT,  
DONOVAN MARSHALL, MARIA  
CHRISTINE ANELLO, DARLENE  
KITTTREDGE, TREAHANNA  
CLEMMONS, and SUSAN ELIZABETH  
GRACIALE, individually and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

RECKITT BENCKISER LLC,

Defendant.

Case No.: 5:20-cv-02101-BLF

**REVISED ~~PROPOSED~~ ORDER  
GRANTING PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
PROPOSED CLASS ACTION SETTLEMENT**

Hon. Beth Labson Freeman

1 **~~PROPOSED~~ ORDER**

2 After considering Plaintiffs' Motion for Preliminary Approval and to Direct Notice of  
3 Settlement, the Court concludes it is appropriate to preliminarily approve the parties' proposed  
4 class action settlement and to direct notice in a reasonable manner to Class Members who would  
5 be bound by the proposed settlement, since the Court will likely be able to (i) approve the  
6 proposed settlement under Rule 23(e)(2) and (ii) certify the class for purposes of judgment on the  
7 proposed settlement. *See* Fed. R. Civ. P. 23(e)(1)(B).

8 The Court now GRANTS the pending motion and makes the following findings and  
9 orders:

10 **Likely Approval of the Proposed Settlement**

11 1. Based on its review, the Court finds that the Court will likely be able to approve  
12 the proposed settlement as fair, reasonable, and adequate under Rule 23(e)(2). *See* Fed. R. Civ.  
13 P. 23(e)(1)(B)(i). The Settlement Agreement: (a) results from efforts by Class Representatives  
14 and Class Counsel who adequately represented the class; (b) was negotiated at arm's length; (c)  
15 provides relief for the class that is adequate, taking into account: (i) the costs, risks, and delay of  
16 trial and appeal; (ii) the effective proposed method of distributing relief to the class; and (iii) the  
17 terms of the proposed award of attorney's fees, costs, and service awards, including timing of  
18 payment; and (d) treats Class Members equitably relative to each other.

19 **Likely Certification of Classes**

20 2. The Court further finds that the Court will likely be able to certify the Classes for  
21 purposes of judgment on the proposal. *See* Fed. R. Civ. P. 23(e)(1)(B)(ii). The Court  
22 preliminarily certifies the following Classes pursuant to Rule 23(b)(3) of the Federal Rules of  
23 Civil Procedure:

24 (a) California Class: All residents of California who purchased Woolite laundry  
25 detergent with a label bearing the phrases "Color Renew" and/or "revives colors" from  
26 February 1, 2017 to May 1, 2023.  
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1 (b) New York Class: All residents of New York who purchased Woolite laundry  
2 detergent with a label bearing the phrases “Color Renew” and/or “revives colors” from  
3 February 22, 2018 to May 1, 2023.

4 (c) Massachusetts Class: All residents of Massachusetts who purchased Woolite  
5 laundry detergent with a label bearing the phrases “Color Renew” and/or “revives colors”  
6 from February 22, 2017 to May 1, 2023.<sup>1</sup>

7 3. The membership of the proposed settlement classes is identical to the membership  
8 of the classes that were certified in my July 14, 2022 order granting class certification. *See* ECF  
9 No. 143 at 22-23.

10 4. The Court thus finds that this action is likely to be certified as a class action, for  
11 settlement purposes, pursuant to Fed. R. Civ. P. 23(a) and (b)(3).

12 5. Pursuant to 23(g), the Court appoints Eric Kafka of Cohen Milstein Sellers & Toll  
13 as Class Counsel for the Settlement Classes.

14 **Notice and Administration**

15 6. The Court directs Epiq Class Action & Claims Solutions, Inc. (“Epiq”) to fulfill  
16 its notice duties and responsibilities specified in this Order and the Settlement Agreement.

17 7. The Court finds that the provisions for notice to the Class set forth in the  
18 Settlement Agreement satisfy the requirements of due process and Federal Rule of Civil  
19 Procedure 23 and provide the best notice practicable under the circumstances. The notice is  
20 reasonably calculated to apprise Class Members of the nature of this litigation; the scope of the  
21 Class, the Class claims, issues, or defenses; the terms of the Settlement Agreement; the right of  
22 Class Members to appear, object to the Settlement Agreement, and exclude themselves from the  
23 Settlement Class and the process for doing so; of the Final Approval Hearing; and of the binding  
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25 <sup>1</sup> Excluded from the Settlement Classes are: (a) Reckitt, any entity in which Reckitt has a  
26 controlling interest, Reckitt’s officers, directors, legal representatives, successors, subsidiaries  
27 and assigns; (b) any judge, justice or judicial officer presiding over this action or settlement  
28 conferences and the members of their immediate families and staff; (c) any person who timely  
and properly excludes himself or herself from the Settlement Class.

1 effect of a class judgment on the Class. The Court therefore approves the proposed methods of  
2 providing notice and directs Epiq to proceed with providing notice to Class Members, pursuant  
3 to the terms of the Settlement Agreement and this Order.

4 8. No later than October 5, 2023, Epiq shall commence disseminating notice to the  
5 Class.

6 9. No later than fourteen days before the hearing on final approval of the settlement,  
7 Epiq shall provide a declaration or affidavit for the Court that: (i) includes a list of those persons  
8 who have opted out or excluded themselves from the Settlement; and (ii) describes the scope,  
9 methods, and results of the notice plan.

#### 10 **Objections and Exclusions**

11 10. Class Members who wish to opt-out and exclude themselves from the Class may  
12 do so by submitting such request in writing consistent with the specifications listed in the Class  
13 Notice no later than December 19, 2023.

14 11. All Class members who do not opt out and exclude themselves shall be bound by  
15 the terms of the Settlement Agreement upon entry of the Final Approval Order and Judgment.

16 12. Any Class member who wishes to object to the Settlement must submit a written  
17 objection to the Court no later than December 19, 2023.

18 13. Any written objections must be either filed electronically with Court, submitted in  
19 person at any location of the U.S. District Court for the Northern District of California, or mailed  
20 to the “Class Action Clerk” at the Court’s address. Any objection regarding or related to the  
21 proposed settlement shall contain a caption or title that identifies it as “Objection to Class  
22 Settlement in Prescott v. Reckitt LLC, No. 5:20-cv-02101-BLF (N.D. Cal.).”

#### 23 **Final Approval Hearing and Schedule**

24 14. The Court will hold a hearing on entry of final approval of the settlement, an  
25 award of fees and expenses to Class Counsel, and service awards to the Class Representatives at  
26 9:00 a.m. on February 1, 2024. At the final approval hearing, the Court will consider: (a) whether  
27 the settlement should be approved as fair, reasonable, and adequate for the Class, and judgment  
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1 entered on the terms stated in the settlement; and (b) whether Plaintiffs' application for an award  
2 of attorney fees and expenses to Class Counsel and service awards to Class Representatives  
3 ("Fee Application") should be granted.

4 15. Plaintiffs shall move for final settlement approval and approval of attorney's fees,  
5 litigation expense reimbursements, and class representative service awards no later than  
6 December 19, 2023.

7 16. No later than January 9, 2024, Plaintiffs may file reply papers or a brief with any  
8 additional information in support of final approval and Plaintiffs' attorneys' fee application.

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10 **IT IS SO ORDERED.**

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13 Dated: September 14, 2023



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14 HON. BETH LABSON FREEMAN  
15 UNITED STATES DISTRICT COURT JUDGE  
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