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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Thomas A. Paulsen, et al.,
Plaintiffs,
v.
CNF, Inc., et al.,
Defendants.

NO. C 03-3960 JW

**ORDER PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT;
DIRECTING NOTICE TO CLASS; AND
SETTING FINAL APPROVAL AND
FAIRNESS HEARING**

Presently before the Court is the parties’ Joint Motion for Preliminary Approval of a Class Action Settlement. (See Docket Item No. 329.) The Court held a hearing on June 20, 2011. Based on the papers submitted to date and oral argument, the Court GRANTS the parties’ Joint Motion for Preliminary Approval of a Class Action Settlement and orders as follows:

- (1) The Court grants preliminary approval of the Settlement in Paulsen, et al. v. CNF, Inc., et al., No. 03-3960 (the “Action”), as set forth in the Settlement Agreement filed by the Parties. The Settlement appears to have been the product of serious, informed, and extensive arm’s-length negotiations between the Parties and is well within the range of possible final approval—that is, it appears at this stage to be fair, adequate and reasonable to the Class.
- (2) The Court approves, as to form and content, the Notice of Pendency of Class Action, Proposed Settlement, and Final Approval Hearing Date (“Notice”), in substantially the form attached to the Settlement Agreement as Exhibit A. The Court approves the

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procedure for Class Members to participate in, to opt out of and to object to the Settlement as set forth in the Notice.

(3) The Court directs the mailing of the Notice by first-class mail to the Class Members in accordance with the Implementation Schedule set forth below. The Court finds the content and the process for providing notice to the Class as set forth in the Settlement fulfill the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) and due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all Class Members.

(4) A Final Approval and Fairness Hearing, pursuant to Federal Rule of Civil Procedure 23(e), is hereby scheduled to be held before the Court on **October 24, 2011 at 9 a.m.**, for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable and adequate and should be approved by the Court;
- b. To consider the application of Class Representatives for service payments;
- c. To consider the Class Counsel’s application for an award of attorney’s fees and expenses; and
- d. To rule upon such other matters as the Court may deem appropriate.

(5) The Court confirms Kurtzman Carson Consultants as the Claims Administrator.

(6) The Court orders the following Implementation Schedule for further proceedings:

Deadline for Claims Administrator to Mail the Notice and Claim Form to Class Members	July 22, 2011
Deadline for Plaintiffs’ Counsel to File Petition For Attorney Fees, Costs and Service Awards	July 22, 2011
Deadline for Class Members to Postmark Requests for Exclusions	September 6, 2011
Deadline for Postmarks of Any Objections to Settlement	September 6, 2011

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Deadline for Class Counsel to file Motion for Final Approval of Settlement **September 23, 2011**

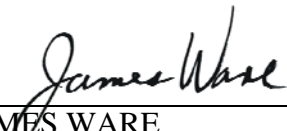
Deadline for Reply Papers to Any Opposition Memorandum Filed by Any Objector **October 11, 2011**

Final Fairness Hearing and Final Approval **October 24, 2011 at 9 a.m.**

(7) Pending the Court’s further review of the Settlement, all proceedings in this case, other than proceedings pursuant to Settlement, shall be stayed, and all Class Members shall be enjoined from commencing any other action based upon any of the claims at issue in the litigation.

IT IS SO ORDERED.

Dated: June 21, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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24 **Dated: June 21, 2011**

Richard W. Wieking, Clerk

25 **By: /s/ JW Chambers**
26 **Susan Imbriani**
27 **Courtroom Deputy**