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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE UBER FCRA LITIGATION

Case No. [14-cv-05200-EMC](#)

**ORDER MODIFYING PRELIMINARY
APPROVAL ORDER**

Before: The Honorable Edward M. Chen

1 The Court has reviewed the Parties' JOINT FURTHER SUPPLEMENTAL BRIEF IN
2 RESPONSE TO ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION
3 SETTLEMENT. For reasons stated in the Parties' Brief, and good cause appearing, and satisfied that
4 the Parties' modified notice proposal satisfies due process and ensures by the best practicable means
5 that Settlement Class Members will receive notice of the Parties' settlement and their rights pursuant
6 to that settlement, the Court hereby modifies its Order Granting Preliminary Approval (Dkt. 242)
7 (hereafter "the Order") as follows:

- 8 • Page 15, lines 19-23 of the Order are hereby vacated;
- 9 • The notice plan and claims process approved by the Court in the Order (*see* Dkt. 242
10 pp. 14- 16) remains approved as proposed by the parties, with the sole exception being
11 that it is hereby modified such that: (1) the Settlement Administrator will implement a
12 feature on the e-mail notices to the Settlement Class Members which will report data
13 to the Settlement Administrator about whether the recipients have actually opened the
14 e-mail notice (i.e., an "open confirmation") utilizing accepted industry standards for
15 same; (2) if fourteen (14) business days pass after the Summary Notice is e-mailed to a
16 Settlement Class Member, and there is no data indicating that the Settlement Class
17 Member opened the e-mail (i.e. an "open confirmation"), then the Settlement
18 Administrator will attempt to mail the postcard version of the Summary Notice (Dkt.
19 222-7); (3) any follow-up postcard mailing pursuant to this order to such Settlement
20 Class Members shall take place by first class mail within forty (40) days after the
21 issuance of the order setting final dates for the notice and claims process; and (4) for
22 any postcard notice that is returned as undeliverable, the Settlement Administrator will
23 use the National Change of Address database to attempt to obtain a valid mailing
24 address for the intended Settlement Class Member recipient, and will send within fifty-
25 five (55) days after issuance of the order setting final dates for the notice and claims
26 process postcard notice by U.S. first-class mail, postage prepaid, to each such
27 individual for whom it can obtain a valid mailing address from the National Change of
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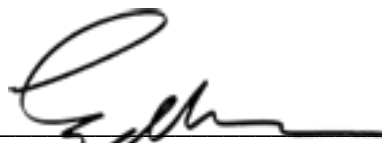
1 Address database. If a valid mailing address cannot be found for a Settlement Class
2 Member, the process described herein will cease as to that Settlement Class Member.

3 Within seven (7) days of date of entry of this order, the parties shall submit an order for the
4 Court's execution setting forth all specific relevant dates and deadlines for the notice and claims
5 process, consistent with the Order and the further contents herein.

6 The Court reserves the authority to deny final approval if it concludes an insufficient number
7 of class members received notice. The parties are forewarned that the Court will, in that process,
8 consider the effectiveness of Internet publication of the settlement website and the effectiveness (or
9 lack thereof) of any marketing/advertising of that website (and therefore the parties should consider a
10 marketing program).

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12 **IT IS SO ORDERED.**

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15 Dated: August 15, 2017

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17 _____
18 Honorable Edward M. Chen
19 United States District Judge
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