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

ADEL TAWFILIS, DDS d/b/a CARMEL VALLEY CENTER FOR ORAL AND MAXILLOFACIAL SURGERY and HAMID A. TOWHIDIAN, M.D., individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

ALLERGAN, INC.,

Defendant.

CASE NO. 8:15-CV-307-JLS (JCGx)

**ORDER GRANTING
STIPULATION RE: CLASS NOTICE**

**Judge: Hon. Josephine L. Staton
Courtroom: 10A
Trial Date: February 20, 2018**

1 This matter came before the Court on the Parties' Stipulation Regarding Class
2 Notice ("Stipulation"). Upon consideration of the Stipulation and for good cause shown,
3 the Court hereby APPROVES the notice proposal set forth in the Stipulation, makes the
4 following findings, and ORDERS as follows:

5 1. The parties have proposed to have Class Counsel retain either Dahl
6 Administration, LLC ("Dahl") or Kurtzman Carson Consultants LLC ("KCC") as
7 administrators to handle the tasks entailed in disseminating notice to the absent class
8 members. The Court is satisfied, based upon these firms' experience and qualifications,
9 that both of these outfits are qualified to act as Class Action Administrators for purpose
10 of disseminating the class notice to the absent class members in this action. The Court
11 hereby authorizes Class Counsel to retain its choice of either of these two entities to
12 serve as Claims Administrator.

13 2. The Court hereby finds that, consistent with constitutional requirements of
14 due process and the statutory requirements of Rule 23, the parties' stipulated proposal to
15 disseminate the class notice by means of a postcard mailing of a Short-Form Notice
16 substantially in the form of that shown in Exhibit 3 to the Stipulation, along with the
17 publication of the Long-Form Notice (substantially in the form of that shown in Exhibit
18 4 to the Stipulation) on a website hosted by the Class Action Administrator, and the
19 provision of a toll-free telephone line that may be accessed by absent class members
20 having questions or requesting more information, amounts to reasonable and best
21 practicable notice under the circumstances, adequately apprises absent class members
22 about the pendency of this action, their legal options, rights, and consequences of
23 exercising the same, and comports with due process and Rule 23 requirements.

24 3. The contents and form of the Short-Form Notice and Long-Form Notice is
25 hereby approved. As required by Federal Rule of Civil Procedure 23(c)(2)(B), these
26 forms of notice each and collectively inform class members of: (i) the nature of the
27 action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses;

(iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

4. The tasks associated with the dissemination of the class notice shall be performed in accordance with the deadlines set forth below. These deadlines are reasonable, and provide absent class members with adequate and reasonable time to receive and review the class notice and to exercise their rights in this class action:

<u>CLASS NOTICE EVENT</u>	<u>DEADLINE</u>
Allergan to provide Class Counsel complete list identifying class members and their last known addresses	no later than July 21, 2017
Claims Administrator to complete mailing of approved Class Notice Short Form to all Class Members identified on Allergan’s Class List	45 days following entry of Order approving Class Notice Proposal
Claims Administrator to set up and post class action website containing Long-Form Notice, case documents, Opt-Out Request Instructions, and toll-free telephone line for class member inquiries	45 days following entry of Order approving Class Notice Proposal
Deadline by which any class member request to be excluded from certified class must be postmarked	120 days following entry of Order approving Class Notice Proposal [equivalent to 54 days from the date that mailing of the Class Notice Short Form has been completed]

1 Claims Administrator or Class Counsel to 2 file list of timely received requests from 3 absent Class Members for exclusion from 4 certified Class	145 days following entry of Order approving Class Notice Proposal
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6 5. Class Counsel, as representing the party seeking to have this action certified
7 as a class action, shall bear the cost of disseminating the class notice, including the cost
8 of retaining the Class Action Administrator and mailing of the notice. In the event of a
9 favorable outcome by way of judgment or classwide settlement, Class Counsel may file
10 a motion for reimbursement of these costs.

11 6. Within the deadline set forth in the foregoing chart, the Class Action
12 Administrator shall submit, and Class Counsel shall file, a list identifying all those class
13 members who have timely sought exclusion from the certified class in accordance with
14 the instructions contained in the class notice.

15 7. Because Class Members must be afforded an opportunity to opt out before
16 being potentially subject to the preclusive effects of a Rule 23(b)(3) judgment or partial
17 judgment, no summary judgment decision will issue before the Class Action
18 Administrator files a list of timely received requests from absent Class Members for
19 exclusion from the certified Class.

20 **IT IS SO ORDERED.**

21
22 Dated: July 25, 2017



23
24 Hon. Josephine L. Staton,
United States District Judge