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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLES DES ROCHES, on his own behalf
and on behalf of his beneficiary son, R.D., and
all others similarly situated, and SYLVIA
MEYER, on her own behalf and all others
similarly situated, and GAYLE TAMLER
GRECO, on her own behalf and on behalf of
all others similarly situated,

Plaintiffs,

vs.

CALIFORNIA PHYSICIANS' SERVICE
d/b/a BLUE SHIELD OF CALIFORNIA;
BLUE SHIELD OF CALIFORNIA LIFE &
HEALTH INSURANCE COMPANY;
HUMAN AFFAIRS INTERNATIONAL OF
CALIFORNIA; and MAGELLAN HEALTH
SERVICES OF CALIFORNIA, INC.-
EMPLOYER SERVICES,

Defendants.

Case No. 16-cv-02848-LHK

Hon. Lucy H. Koh

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR ORDER
APPROVING DISTRIBUTION OF
SETTLEMENT FUNDS TO CLASS
MEMBERS**

1 WHEREAS, on July 5, 2018, the Court granted Final Approval for the above-captioned
2 class action settlement. ECF No. 271;

3 WHEREAS, the Court ordered Plaintiffs Charles Des Roches, Sylvia Meyer and Gayle T.
4 Tamler’s (collectively, “Plaintiffs”) to file a motion to distribute settlement funds by September
5 12, 2018, and to address Mr. Tom Gill’s recovery in their motion. *Id.* at p. 9 ¶ 16;

6 WHEREAS, Plaintiffs filed their Motion for an Order Approving Distribution of
7 Settlement Funds to Class Members on September 12, 2018. ECF No. 274 (the “Distribution
8 Motion”);

9 WHEREAS, in their Distribution Motion, Plaintiffs stated that, as with all Class members,
10 the Settlement Administrator¹ and Class Counsel reviewed Mr. Gill’s submissions and made a
11 determination of his Treatment Days and distribution;

12 WHEREAS, the Settlement Administrator and Class Counsel have determined that Mr.
13 Gill is entitled to a distribution of \$239,213.50;

14 WHEREAS, in their Distribution Motion, Plaintiffs also notified the Court of the
15 Settlement Administrator’s efforts to deliver copies of the Notice to Class members whose mail
16 had been returned as undeliverable by the United States Postal Service. Plaintiffs request that the
17 Court order that any funds that would have been awarded to the 15 remaining Class members
18 whose mail have been returned as undeliverable be distributed among the remaining Class
19 members; AND

20 WHEREAS, in their Distribution Motion, Plaintiffs provided a post-distribution
21 accounting that included details regarding the number of opt-out requests received, the number of
22 data requests received, and details regarding Class members’ recovery.

23 Having considered the papers submitted, and finding good cause, the Court hereby
24 GRANTS Plaintiffs’ Motion for an Order Approving Distribution of Settlement Funds to Class
25 Members. Accordingly, the Court HEREBY ORDERS:

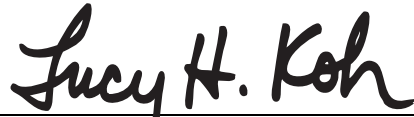
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27 ¹ Unless otherwise indicated, all capitalized terms have the definition in the Stipulation of
28 Settlement. ECF No. 225-1.

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1. No part of the Net Settlement Fund shall be held in reserve for the 15 Class members who have not yet been successfully mailed, and the payment that would have gone to these Class members instead shall be allocated to the remaining Class members in equal shares; AND
2. The Settlement Administrator shall distribute the Net Settlement Fund to the Class members in accordance with the Payment Schedule attached as Exhibit A to the Declaration of Brian Devery dated September 12, 2018.

IT IS SO ORDERED.

Dated: October 3, 2018



The Honorable Lucy H. Koh
United States District Judge