

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5 XIUFANG SITU, et al.,
6 Plaintiffs,
7 v.
8 MICHAEL O. LEAVITT,
9 Defendant.

NO. C06-2841 TEH

ORDER PRELIMINARILY
APPROVING CLASS SETTLEMENT,
APPROVING CLASS NOTICE, AND
SETTING FINAL FAIRNESS
HEARING

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11 The Court has carefully considered the parties' joint application, filed on June 19,
12 2008, for preliminary approval of the class settlement and plan for providing notice to the
13 class. The time for filing opposition papers has now passed, and no oppositions have been
14 filed. With good cause appearing, IT IS HEREBY ORDERED that:

- 15 1. The hearing currently scheduled on July 28, 2008, is VACATED.
- 16 2. The proposed class settlement appears to be the result of good-faith, arms-length
17 negotiation between the parties and is preliminarily approved as fair, reasonable, and
18 adequate. Final approval is subject to a fairness hearing where any objections by class
19 members will be heard.
- 20 3. Pending final determination of the fairness of the Settlement Agreement, which is
21 attached as Exhibit A to the parties' joint application, all further litigation of this action is
22 hereby STAYED.
- 23 4. The proposed class notice and proposed plan for distribution of the class notice
24 outlined in section XIV of the Settlement Agreement are APPROVED, subject to the date
25 modifications contained in this order.
- 26 5. Class notice shall be sent on or before **July 25, 2008**.
- 27 6. Class members objecting to the terms of the settlement must provide their
28 objections in writing to class counsel, as outlined in section XIV of the Settlement

1 Agreement. Written objections must be forwarded to class counsel on or before
2 **September 8, 2008**. Class counsel shall record the date of receipt of all objections and
3 forward objections, via electronic mail, to Defendant's counsel within two days of receipt.

4 7. Class counsel must file the original objections with the Court on or before
5 **September 15, 2008**. If no objections are received, then class counsel shall file an
6 appropriate statement with the Court by the same date.

7 8. If any objections are received, the parties shall file a joint statement responding to
8 the objections on or before **September 22, 2008**.

9 9. A hearing to determine the fairness of the Settlement Agreement shall be held on
10 **October 6, 2008, at 10:00 AM**, in Courtroom No. 12 of the United States District Court for
11 the Northern District of California, located at 450 Golden Gate Avenue, San Francisco,
12 California.

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14 **IT IS SO ORDERED.**

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16 Dated: 07/09/08



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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT