

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

IN RE COLLEGE ATHLETE NIL
LITIGATION

CASE NO. 4:20-CV-03919-CW

~~PROPOSED~~ **ORDER GRANTING
PLAINTIFFS' MOTION TO APPROVE
MANNER AND FORM OF CLASS NOTICE
AS MODIFIED**

Hon. Claudia Wilken

1 This matter is before the Court on Plaintiffs’ Motion to Approve Manner and Form of Class
2 Notice (“Motion”).

3 Having considered Plaintiffs’ Motion, the declarations submitted in support thereof, and
4 finding the notices and notice plan satisfy the requirements of Fed. R. Civ. P. 23(c)(2)(B), the Motion
5 is GRANTED, and the Court hereby ORDERS:

6 1. The Court has reviewed Plaintiffs’ notice plan, as described in Plaintiffs’ Motion and
7 accompanying materials (the Notice Plan). Plaintiffs propose using a combination of direct notice via
8 email and, if necessary, regular mail (postcard) to all class members for whom contact information is
9 reasonably available, as well as a robust publication notice campaign focused on digital media, a press
10 release, organizational outreach, a case-specific website, and a toll-free telephone number to deliver
11 notice to potential class members. The Notice Plan is expected to reach more than 70% of the class
12 via the publication notice campaign alone, and it will reach more potential class members via direct
13 notice and organizational outreach. The Court finds that this notice plan provides the best practicable
14 notice under the circumstances.

15 2. Kurtzman Carson Consultants Class Action Services, LLC (KCC) shall be appointed
16 as the notice administrator for the Plaintiffs and shall implement the Notice Plan, as described in
17 Plaintiffs’ Motion and accompanying materials. Plaintiffs shall maintain a case-specific website to
18 host the notice documents and other information about the case at
19 www.NILCollegeAthleteLitigation.com.

20 3. Plaintiffs have attached to their Motion a **revised** long-form notice, email notice, and
21 postcard notice. *See* Exhibits A–C to the Declaration of Carla A. Peak, **and docket number**
22 **405-2 (revised long-form notice)**. The Court has reviewed these notices. The notices use neutral
23 language to describe: (1) the nature of the action; (2) the definition of the certified class; (3) the
24 claims and issues related to the lawsuit; (4) class counsels’ identity and contact information; and
25 (4) the binding effect of a judgment on class members. The proposed notices also tell class
26 members that they can opt out of the class by requesting an exclusion before the deadline, sets out
27 the consequences of opting out, and informs them that if they opt out, they may bring their own case
28 through their own attorney, if desired. In other words, the notices apprise class members “of the
pendency of the class action and give [them]

1 a chance to be heard.” *Ross v. Trex Co. Inc.*, 2013 WL 791229, at *1 (N.D. Cal. Mar. 4, 2013) (citing
2 *Silber v. Mabon*, 18 F.3d 1449, 1453–54 (9th Cir. 1994)).

3 4. The Court sets the following deadlines with respect to class notice:

- 4 a. The Notice Start Date. Within **14 days from the entry of this Order**, KCC shall
5 begin implementing the Publication Notice portion of the Notice Plan. Within **14**
6 **days from the entry of this Order**, KCC shall begin implementing the Direct
7 Notice portion of the Notice Plan.
- 8 b. The Exclusion Deadline. Class members who wish to opt-out of the class shall
9 request exclusion **within 60 days of the conclusion of the Publication Notice**
10 **portion of the Notice Plan**.
- 11 c. Deadline to inform the Court. Class Counsel shall file a list with the names and
12 addresses of every member who has opted out of the class **within 14 days of the**
13 **Exclusion Deadline**.

14 **IT IS SO ORDERED.**

15 Dated: 3/1/2024

16 

17 The Honorable Claudia Wilken
18 United States Senior District Court Judge
19 Northern District of California