

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 21-946 PSG (RAOx)	Date	October 7, 2022
Title	Ken Hashemi et al. v. Bosley, Inc.		

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy Hernandez

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (In Chambers): Scheduling Order re: Fairness Hearing and Motion for Attorneys' Fees

This class action arises from a data breach. In January 2022, the parties finalized a settlement agreement (the "Settlement"). *See generally* Dkt. # 49-2. The Court certified the class for purposes of the Settlement, preliminarily approved the Settlement and its subsequent modifications, and set a date for the fairness hearing, which was later moved to October 14, 2022. Dkts. # 46, 50, 53, 70. In June 2022, two Class Members came forward with objections to the proposed terms of the Settlement. *See generally* Dkt. # 56 ("*Objection*"). Along with their Notice of Objections, Objectors also requested additional time to engage in discovery relating to the Settlement and attorneys' fees. *See id.* 10:15–28; *see also Opposition to Motion for Final Approval of Class Settlement*, Dkt. # 64 ("*FA Opp.*"), 14:5–24; *Opposition to Motion for Attorneys' Fees*, Dkt. # 65 ("*Fee Opp.*"), 11:21–12:27. In July 2022, Plaintiffs filed their motions for final approval of class settlement and for attorneys' fees. *See generally* Dkts. # 59-1, 60.

I. Objection

One of the objections raised in opposition to Plaintiffs' motions concerns the adequacy of the timing of Class Counsel's fee motion in relation to the Class Members' deadline for objections. Specifically, Objectors argue that Plaintiffs' deadline to file their motion for attorneys' fees needed to precede the Class Members' objection deadline. *See FA Opp.* 5:15–7:8; *Fee Opp.* 5:23–8:13. In an abundance of caution, and without weighing in on the merits of the objection, the Court **ORDERS** that the motion for attorneys' fee is deemed filed as of today, **October 7, 2022**, **SETS** a deadline for Class Members to object to the motion for attorneys' fee on **October 24, 2022**—17 days thereafter, and **SETS** a deadline for responses to any objections on **November 7, 2022**. *See In re Volkswagon "Clean Diesel" Mktg., Sale Pracs.,*

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and Prods. Liab. Litig., 895 F.3d 597, 615 (9th Cir. 2018) (finding that, even though the motion for attorneys' fees was filed after the fairness hearing, the district court satisfied Rule 23(h) by allowing class members additional time to raise objections to the motion); *see also In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 954 (9th Cir. 2015) (finding the district court satisfied Rule 23(h) by setting the objection deadline 15 days after the motion for attorneys' fees was filed).

Accordingly, the Court **VACATES** the current date of the fairness hearing and hearing on the motion for attorneys' fees and **SETS** them for hearing on **November 18, 2022**.

II. Request for Additional Discovery

The Court also addresses Objectors' request for discovery as to the Settlement and request for attorneys' fees. It is well-settled that Objectors have no automatic right to engage in discovery. *See, e.g., True v. Am. Honda Motor Co.*, 749 F. Supp. 2d 1052, 1080 n.31 (C.D. Cal. 2010); *White v. Experian Info. Sol.*, No. SACV 05-1070 DOC (MLGx), 2010 WL 11526818, at *3 (C.D. Cal. Sept. 30, 2010); *Hemphill v. San Diego Ass'n of Realtors*, 225 F.R.D. 616, 619 (S.D. Cal. 2005). Instead, the Court may, in its discretion, permit limited discovery that would assist it in determining the fairness and adequacy of a settlement. *See True*, 749 F. Supp. 2d at 1080 n.31. But given the risk of unnecessary delay, discovery of this nature is only appropriate in rare circumstances. *See id.* (citing *Lobatz v. U.S. west Cellular of Cal., Inc.*, 222 F.3d 1142, 1148 (9th Cir. 2000)).

In *True*, the Court denied the objector's request for discovery because it ultimately found that plaintiffs "already produced sufficient evidence for the Court to evaluate" the adequacy of the settlement. *Id.* The Court is compelled to reach the same conclusion here. Moreover, the Court finds discovery would be unnecessary given that Objectors now have additional time to raise objections to the motion for attorneys' fees as well as a meaningful opportunity to participate at the fairness hearing. *Accord White*, 2010 WL 11526818, at *3.

Thus, the Court **DENIES** Objectors request for additional discovery.

III. Conclusion

For the reasons stated above, the Court **DENIES** Objectors' request for additional discovery. Further, it is **HEREBY ORDERED AS FOLLOWS**:

- Plaintiffs' motion for attorneys' fees, expenses, and service awards is deemed filed as of today, **October 7, 2022**.

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- Class Members have until **October 24, 2022**, to raise objections to Plaintiffs' motion for attorneys' fees.
- Any replies shall be due **November 7, 2022**.

Finally, the Court **SETS** the fairness hearing and hearing on the motion for attorneys' fees on **November 18, 2022**, at 1:30 p.m.

IT IS SO ORDERED.