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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JENNA LLOYD and JAMIE
14 PLEMONS, on behalf of themselves
15 and all others similarly situated,

16 Plaintiffs,

17 vs.

18 NAVY FEDERAL CREDIT UNION,

19 Defendant.

CASE NO. 3:17-cv-01280-BAS-RBB

**NOTICE OF MOTION AND JOINT
MOTION TO RESET FINAL
APPROVAL HEARING DATE**

Judge: Hon. Cynthia Bashant
Place: Courtroom 4B
Hearing Date: February 18, 2019

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

20 Plaintiffs and Navy Federal Credit Union (collectively the “Parties”) jointly
21 move the Court to reset the Final Approval Hearing Date of April 22, 2019 set by the
22 Court in its October 22, 2018 Preliminary Approval Order (ECF No. 54) to the week
23 of May 20, 2019, or the next available day on the Court’s calendar.

24 In support of the motion, the Parties state as follows:

25 1. Pursuant to the Preliminary Approval Order, the Notice Program must be
26 completed 60 days before the Final Approval Hearing. That deadline is currently
27 February 20, 2019.

28 2. Per the Notice procedures set forth in the Settlement, Navy Federal agreed
to provide Plaintiffs’ expert with data for the entire Class Period in an agreed-upon,
usable format that Plaintiffs’ expert could use to determine the list of Settlement Class
Members and the amount of each member’s payment. To protect the confidentiality of

1 member data, which Navy Federal guards zealously, Navy Federal’s expert also had to
2 “mask” the data to mitigate the risk of any potential exposure of its members’
3 personally identifiable information.

4 3. Navy Federal worked with its expert to prepare and upload the data in the
5 agreed-upon, masked format to a server accessible to Plaintiffs’ expert. Given the
6 amount of data at issue – 11 Terrabytes – and the number of individual files, Navy
7 Federal’s expert needed significantly more time to perform its tasks.

8 4. Navy Federal’s expert completed the upload in December, and Plaintiffs’
9 expert completed his analysis in early January.

10 5. Upon receiving Plaintiffs’ expert’s analysis, Navy Federal determined the
11 names and mailing and/or email addresses of the Settlement Class Members so that
12 Notice could be provided to them. Navy Federal has provided a list of Settlement Class
13 Members to the Settlement Administrator, but additional work needs to be performed
14 to ensure the accuracy of the list, including some manual review by Navy Federal. The
15 Settlement Administrator also needs some time to complete its processes for emailing
16 and mailing several hundred thousand notices.

17 6. Under the Settlement Agreement and the Court’s Preliminary Approval
18 Order, Notice must be completed 60 days before the April 22, 2019 Final Approval
19 Hearing—*i.e.*, February 20, 2019.

20 7. Notice will be sent before February 20, 2019 (both Post Card and Email
21 Notices). However, the Settlement Agreement and the Court’s Preliminary Approval
22 Order require that Notice be re-mailed to those Settlement Class Members whose
23 notices are undelivered, either because of an email bounce back (in which case a mailed
24 notice will be sent) or a returned mail notice (in which case the Settlement
25 Administrator will take steps to find an updated address and re-mail). Although it is
26 anticipated that this will involve only a small percentage of Settlement Class Members,
27 it is unlikely that these re-mailings can be completed before February 20, 2019.

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1 Because the Parties want to ensure that best efforts are made to provide Notice to all
2 Settlement Class Members sufficiently in advance of the objection, opt-out and Final
3 Approval Hearing dates, the Parties believe that allowing an additional 30 days would
4 be appropriate.

5 8. Accordingly, the Parties ask the Court to reset the April 22, 2019 Final
6 Approval Hearing Date so they can complete the Notice Program sufficiently in
7 advance of the Final Approval Hearing.

8 9. In particular, the Parties respectfully request that the Court reschedule the
9 Final Approval Hearing for the week of May 20, 2019, or the next available date on the
10 Court's calendar.

11 10. A suggested Order for this Motion is submitted separately via e-mail in
12 accordance with the Court's requirement.

13 WHEREFORE, the Parties jointly request that the Court reschedule the Final
14 Approval Hearing for the week of May 20, 2019, or the next available date on the
15 Court's calendar.

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Dated: January 18, 2019.

Respectfully submitted,

/s/Jeff Ostrow
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CERTIFICATE OF SERVICE

19 I, Jeff Ostrow, on this 18th day of January, 2019, hereby certify that foregoing
20 document was filed via the Court’s CM ECF system, thereby causing a true and correct
21 copy to be sent to all ECF-registered counsel of record.

22 s/ Jeff Ostrow
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