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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

LUIS LERMA, an Individual,
and NICK PEARSON, an
Individual, On Behalf of
Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

SCHIFF NUTRITION
INTERNATIONAL, INC., a
Delaware Corporation, and
SCHIFF NUTRITION GROUP,
INC., a Utah Corporation

Defendants

Case No.: 11-cv-01056-MDD

CLASS ACTION

**ORDER RE: JOINT MOTION FOR
APPROVAL OF LIMITED
MODIFICATION TO THE
AMENDED SETTLEMENT
AGREEMENT**

[ECF NO. 141]

On May 15, 2015, a hearing was held on the parties' Joint Motion Seeking Approval of Limited Modification to the Amended Settlement Agreement (ECF No. 141). Based upon the statements of counsel, the Court finds good cause to grant the parties' request to modify the Amended Settlement Agreement and preliminarily approves the

1 Settlement as set forth in the Second Amended Settlement Agreement
2 and Release (ECF No. 141-2). As a consequence of these modifications,
3 the schedule provided in the Court's Order of Preliminary Approval
4 and subsequent orders must be amended. (*See* ECF Nos. 113, 134,
5 138).

6 Accordingly, IT IS HEREBY ORDERED THAT:

7 1. The parties are to notify the Settlement Class in accordance
8 with the Notice Program outlined in the Second Supplemental
9 Declaration of Gina M. Intrepido-Bowden on Settlement Notice
10 Program (ECF No. 146-1).

11 2. Class Counsel will file their Application for Attorneys' Fees
12 and for Plaintiffs' Incentive Award on or before **August 10, 2015**.

13 3. Class Members requesting a monetary settlement must
14 accurately and completely fill out a Claim Form and submit it to the
15 Settlement Administrator on or before **September 24, 2015**.


16 4. Any members of the Settlement Class who wish to exclude
17 themselves from the Settlement Class must submit appropriate and
18 timely requests for exclusion in accordance with the procedures
19 outlined in the Settlement Agreement and Class Notice. Such requests
20 must be postmarked on or before **September 24, 2015**.

21 5. Class Members who have not submitted a timely written
22 exclusion request pursuant to this Order and who want to object to the
23 Settlement Agreement must file with the Court a written objection
24 and/or notice of Intention to Appear. Copies must be served on Class
25 Counsel and Defendants' Counsel on or before **September 24, 2015**.

26 6. Any response to an objection shall be filed with the Court on
27 or before **October 8, 2015**.

1 7. A Final Approval Hearing shall be held before this Court on
2 **October 30, 2015, at 10:00 a.m. in Courtroom 1E in the Edward J.**
3 **Schwartz Federal Courthouse, 221 W. Broadway, San Diego, CA,**
4 **92101.**

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6 DATED: May 27, 2015


Hon. Mitchell D. Dembin
United States Magistrate Judge

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