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

JUAN ALCAZAR, individually and
on behalf of all others similarly
situated,

Plaintiffs,

vs.

FASHION NOVA, INC., a California
corporation; and DOES 1 to 10,
inclusive,

Defendants.

Case No.: 4:20-cv-01434-JST

*Assigned to Hon. Jon S. Tigar
Courtroom 6*

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF’S ADMINISTRATIVE
MOTION TO APPROVE THE
STIPULATED NOTICE OF CLASS
CERTIFICATION (FILED
CONCURRENTLY HEREWITH),
NOTICE ADMINISTRATOR, AND
CLASS NOTICE PLAN**

Filed: February 26, 2020
Trial: None Set

1 This Court, having read, reviewed, and considered the administrative motion
2 by Plaintiff Juan Alcazar (“Plaintiff”) to approve the selection of notice
3 administrator, the proposed class notice plan, and the proposed notices, other papers
4 filed in connection with this motion, and the arguments made, hereby orders as
5 follows:

6 WHEREAS the Court, by Order dated September 6, 2021, certified the
7 above-captioned action (the “Action”) to proceed as a class action (ECF No. 70);

8 WHEREAS the Court certified the following class definitions as follows:

9 **Nationwide:** All legally blind individuals who have attempted to
10 access Defendant’s website by the use of a screen reading software
11 during the applicable limitations period up to and including final
12 judgment in this action.

13 **California:** All legally blind individuals in the State of
14 California who have attempted to access Defendant’s website by the
15 use of a screen reading software during the applicable limitations period
16 up to and including final judgment in this action.

17 WHEREAS, Plaintiffs have moved the Court, pursuant to Fed. R. Civ. P. 23
18 of the Federal Rules of Civil Procedure, for an Order approving the proposed form
19 and content of the notices to be disseminated to the Classes as well as the proposed
20 method for dissemination of these notices; and

21 WHEREAS, the Court has reviewed the proposed notices submitted by
22 Plaintiffs and has found good cause for entering the following Order.

23 NOW, THEREFORE, IT IS HEREBY ORDERED that:

24 1. The Court approves the form, substance and requirements of the email
25 notice and long form notice, attached as Exhibits 1 to the motion.

26 2. The proposed form and content of the long form notice meets the
27 requirements of Fed. R. Civ. P. 23(c)(2)(B) – as it clearly and concisely states in
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1 plain and easily understood language, the nature of the action, the definition of the
2 classes certified, the class claims, issue or defenses, that a class member may enter
3 an appearance through an attorney if the member so desires, that the Court will
4 exclude from the class any member who requests exclusion, the time and manner
5 for requesting exclusion and the binding effect of a class judgment on members
6 under Fed. R. Civ. P. 23(c)(3). The long form and other notices, and the method and
7 schedule set forth below for notifying the Class of the pendency of the Action as a
8 class action meet the requirements of Rule 23 and due process, constitute the best
9 notice practicable under the circumstances, and shall constitute due and sufficient
10 notice to all persons and entities entitled thereto.

11 3. The Court hereby approves the retention of KCC Class Action
12 Services as Notice Administrator in this class action.

13 4. The Notice Administrator shall cause the Notice Plan to be executed
14 as of March 27, 2023.

15 5. The Notice Administrator shall cause the notices to be distributed to
16 all Class Members who can be identified with reasonable effort, including but not
17 limited through electronic means and other means.

18 6. The Notice Administrator shall cause a copy of the long form notice to
19 be posted on the website that the Notice Administrator shall design and maintain
20 for this lawsuit from which Class Members may download copies of the long form
21 notice.

22 7. The Notice Administrator shall implement an internet media effort of
23 digital media advertising to be distributed over desktop and mobile devices,
24 including tablets and smartphones, via Google Display Network and Facebook over
25 a period of 30 days, targeting likely Class Members in California and nationwide.
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1 8. The Notice Administrator shall establish and host a case specific toll-
2 free number to allow Class Members to learn more and to request further
3 information about the Action.

4 9. Class Members shall be bound by all determinations and judgments in
5 this Action, whether favorable or unfavorable, unless such persons and entities
6 request exclusion from the Class in a timely and proper manner, as hereinafter
7 provided. A Class Member wishing to make such a request shall either fill out a
8 form on the website or mail the request in written form by first class mail,
9 postmarked no later than seventy (70) calendar days after the Notice Date, to the
10 address designated in the long form notice. Such request for exclusion shall clearly
11 state that the Class Member requests exclusion from the Classes in *Alcazar v.*
12 *Fashion Nova, Inc.*, No. 4:20-cv-01434, and must clearly state the name, address
13 and signature of the person or entity requesting exclusion. The request for exclusion
14 shall not be effective unless it provides the required information and is made within
15 the time stated above, or the exclusion is otherwise accepted by the Court.

16 10. Class Counsel shall file with the Court proof of publication of notice
17 within ten (10) business days following the date notice is published. Class Counsel
18 shall also file with the Court a declaration setting forth a list of all persons who have
19 requested exclusion from the Classes within fourteen (14) calendar days following
20 the expiration of the exclusion deadline.

21 **IT IS SO ORDERED.**

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25 Dated: March 6, 2023


26 HON. JONES S. TIGAR
27 U.S. DISTRICT COURT JUDGE