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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 OAKLAND DIVISION

21 ALEX ANG and LYNN STREIT, individually  
22 and on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 BIMBO BAKERIES USA, INC.,

26 Defendant.

Case No. 13-CV-01196-HSG-NC

**PROPOSED NOTICE PLAN IN  
SUPPORT OF PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Before: Hon. Haywood S. Gilliam, Jr.  
Crtrm.: 2, 4th Floor

1 As instructed by the Court at the March 10, 2020 Status Conference, Plaintiffs Alex Ang and  
2 Lynn Streit (“Plaintiffs”) and Defendant Bimbo Bakeries USA, Inc. (“BBUSA”) (collectively, the  
3 “Parties”) hereby submit the following Proposed Notice Plan in support of the pending Joint Motion  
4 for Preliminary Settlement Approval filed with the Court on December 13, 2019. (Dkt. 217.)

5 **I. Methods Of Notice To Class Members**

6 After meeting and conferring as instructed by the Court, the Parties agree to provide the following  
7 forms of notice of the settlement to class members:

- 8 1. Class Counsel will post the proposed notice language in Section II below on their public  
9 websites (<https://www.prattattorneys.com/> and <https://www.fbrllp.com/>), with relevant  
10 case documents, including the Second Amended Complaint, the Court’s Order Granting  
11 in Part and Denying in Part Motion for Class Certification, the Settlement Agreement, the  
12 Joint Motion for Preliminary Approval, the Order Granting Preliminary Approval, any  
13 Motion for Final Approval and any Motion for Attorneys’ Fees and Incentive Awards  
14 and any orders on those motions;
- 15 2. BBUSA will provide notice to the United States and California Attorneys General  
16 pursuant to the Class Action Fairness Act (“CAFA”). *See* 28 U.S.C. § 1715. The Parties  
17 will request that the Court defer any decision granting final approval of the settlement  
18 until at least 90 days after the Court grants preliminary approval, which will allow  
19 sufficient time to provide notice of any Order Granting Preliminary Approval to the  
20 Attorneys General. *See* 28 U.S.C. § 1715(d); and
- 21 3. All relevant case documents, including the Second Amended Complaint, the Order  
22 Granting in Part and Denying in Part Motion for Class Certification, the Settlement  
23 Agreement, the Joint Motion for Preliminary Approval, the Court’s orders relating to the  
24 settlement, the Parties’ joint statements in support of preliminary approval, any Motion  
25 for Final Approval, any Motion for Attorneys’ Fees and Incentive Awards and any orders  
26 on those motions are (or will be made upon filing) accessible through the publicly-  
27 available PACER/CM-ECF system.

1     **II.     Proposed Notice Language**

2             The Parties propose that the following language be posted on Class Counsel’s public  
3 websites to notify class members of the settlement:

4                             “NOTICE OF CLASS ACTION SETTLEMENT

5             Pratt & Associates and Fleischmann Bonner & Rocco LLP (“Class Counsel”) are pleased to  
6 announce the settlement of a lawsuit that they filed in 2013 against Bimbo Bakeries USA, Inc.  
7 (“Bimbo Bakeries”) in the U.S. District Court for the Northern District of California. The case is  
8 entitled *Ang v. Bimbo Bakeries USA, Inc.* (Case No. 13-CV-01196-HSG-NC) and claims that  
9 statements on the labels and in the ingredient lists of certain Bimbo Bakeries products were  
10 unlawful, misleading or deceptive to consumers. Bimbo Bakeries has denied and continues to deny  
11 the allegations in the lawsuit. On August 31, 2018, the U.S. District Court certified a class of  
12 California purchasers of Bimbo Bakeries products for purposes of injunctive relief only, and denied  
13 class certification of any damages claims (the “Class Certification Order”). All persons or entities  
14 who or that made purchases in California of any Bimbo Bakeries products identified in the Class  
15 Certification Order are part of the injunctive relief class (“Class Members”). A full list of the  
16 products at issue can be found in the Court’s Class Certification Order, which is available on this  
17 website.

18             This notice summarizes the proposed settlement on behalf of Plaintiffs and all Class  
19 Members.

20                             Terms of the Settlement

21             The settlement provides immediate benefits to Class Members in the form of an agreement  
22 by Bimbo Bakeries to certify that it has changed, removed or discontinued the labels or ingredient  
23 statements of the products challenged in the lawsuit. A list of the specific changes to the product  
24 labels and ingredients can be found in the Settlement Agreement. Bimbo Bakeries has also agreed,  
25 for a period of two (2) years, to notify Class Counsel of any changes to the label statements or  
26 ingredients of the products at issue, if the changes relate to the challenged claims listed in the  
27 Settlement Agreement. If Class Counsel objects to the changes that Bimbo Bakeries intends to make  
28

1 to those product labels or ingredients, Class Counsel and Bimbo Bakeries will work together to  
2 resolve any dispute.

3 Bimbo Bakeries is providing these benefits to Class Members in exchange for a release of  
4 Class Members' rights to bring a lawsuit against Bimbo Bakeries for an injunction, declaratory  
5 judgment or other related claims to stop or change the labeling and ingredient statements challenged  
6 in the lawsuit because those changes have already been made. If the settlement is approved by the  
7 Court, Class Members will release their ability to seek or obtain injunctive relief relating to the  
8 claims asserted in the lawsuit. Class Members will not release any claims for monetary relief.

9 Attorneys' Fees

10 As part of the settlement, Class Counsel can apply to the Court for an award of up to  
11 \$305,000 in attorneys' fees and costs to reimburse them for the time and effort they spent in bringing  
12 and litigating the case. Class Counsel will also request that the Court award \$10,000 to each of the  
13 Plaintiffs for their efforts in litigating the case and assisting Class Counsel. With the Court's  
14 approval, Bimbo Bakeries has agreed to pay to Plaintiffs and Class Counsel any attorneys' fees and  
15 costs that the Court awards, as well as any incentive awards, provided the total amount does not  
16 exceed \$325,000.

17 Access to Case Documents

18 You may view the Settlement Agreement and other related documents (including the Joint  
19 Motion for Preliminary Approval of Class Action Settlement, the Court's Order Granting  
20 Preliminary Approval of Class Action Settlement, the Motion for Final Approval of Class Action  
21 Settlement, Plaintiffs' Motion for Award of Attorneys' Fees and Incentive Awards and any  
22 opposition or reply papers related to these motions) as these documents become available by clicking  
23 on the relevant highlighted text in this paragraph.

24 You may also review any case documents by accessing the Court docket in this case, for a  
25 fee, through the Court's Public Access to Court Electronic Records (PACER) system at  
26 <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States  
27 District Court for the Northern District of California, 1301 Clay Street, Suite 400 S, Oakland,  
28 California 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court

1 holidays. PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE  
2 TO INQUIRE ABOUT THIS SETTLEMENT.

3 Court Approval of the Settlement

4 The Court must approve the settlement. On \_\_\_\_\_, the Court granted  
5 preliminary approval of the settlement. On \_\_\_\_\_, at the United States District Court  
6 for the Northern District of California, Oakland Courthouse, Courtroom 2 - 4th Floor, 1301 Clay  
7 Street, Oakland, California 94612, before the Honorable Haywood S. Gilliam, Jr., the Court will  
8 hold a hearing to determine whether final approval of this class action settlement is appropriate. The  
9 date of the final approval hearing may change without special notice to Class Members. Class  
10 Members should check this website or the Court’s PACER site to confirm that the date has not  
11 changed.

12 Comments and Objections

13 Because Bimbo Bakeries is providing injunctive relief to the class as a whole under the  
14 settlement, Class Members cannot “opt out” of the settlement. However, Class Members may  
15 submit comments or ask the Court to deny approval by filing an objection to the settlement. Class  
16 Members cannot ask the Court to order a different settlement; the Court can only approve or reject  
17 the settlement that the parties have reached. If the Court denies approval, no injunctive relief will be  
18 provided and the lawsuit will continue.

19 Any objection to the proposed settlement must be in writing. Any Class Member who timely  
20 files a timely written objection may, but is not required to, appear at the Final Approval Hearing,  
21 either in person or through an attorney. If a Class Member appears through an attorney, the Class  
22 Member is responsible for hiring and paying that attorney. All written objections and supporting  
23 papers must (1) clearly identify the case name and number (*Ang v. Bimbo Bakeries USA, Inc.*, Case  
24 No. 13-CV-01196-HSG-NC), (2) be submitted to the Court either by mailing them to the Class  
25 Action Clerk, United States District Court for the Northern District of California, 1301 Clay Street,  
26 Oakland, California 94612, or by filing them in person at any location of the United States District  
27 Court for the Northern District of California, and (3) be filed or postmarked on or  
28 before \_\_\_\_\_.”

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Dated: March 20, 2020

BAKER & MCKENZIE LLP

By: /s/ Mark C. Goodman  
Mark C. Goodman  
Anne Kelts Assayag  
Attorneys for Defendant  
BIMBO BAKERIES USA, INC.

Dated: March 20, 2020

PRATT & ASSOCIATES  
Ben F. Pierce Gore

FLEISCHMAN BONNER & ROCCO LLP  
Keith M. Fleischman  
Joshua D. Glatter

By: /s/ Ben F. Pierce Gore  
Ben F. Pierce Gore  
Attorneys for Plaintiffs

**ATTESTATION**

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Mark C. Goodman  
Mark C. Goodman  
Attorneys for Defendant  
BIMBO BAKERIES USA, INC.