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*Settlement Class Counsel and Attorneys for  
Plaintiffs and Settlement Class Representatives  
Mike Xavier and Steven Prescott*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

MIKE XAVIER and STEVEN PRESCOTT,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

BAYER HEALTHCARE LLC, a Delaware  
limited liability company; BEIERSDORF INC.,  
a Delaware corporation,

Defendants.

Case No.: 5:20-CV-00102-NC

Case Filed: Jan. 3, 2020  
FAC Filed: May 15, 2020  
SAC Filed: July 14, 2021

*Assigned to the Hon. Nathanael M. Cousins*

**PLAINTIFFS’ NOTICE OF NO  
OPPOSITION OR OBJECTIONS TO  
CLASS ACTION SETTLEMENT**

**Final Approval Hearing Information**

Date: Dec. 15, 2021  
Time: 2:00 p.m. (PST)  
Courtroom: 5

COME NOW Plaintiffs and Settlement Class Representatives Mike Xavier and Steven Prescott (“**Plaintiffs**” and/or “**SCRs**”), pursuant to this Court’s order requiring replies to any objection or opposition to be filed by December 1, 2021 (Order, ECF 107, at ¶ 19), and hereby submit this notice of no opposition or objections to the class action settlement set forth in the Amended Settlement Agreement (“**Agreement**”) (*see* ECF 99-11) that is the subject of SCRs’ pending motion for final approval and motion for fees, costs, and service awards (“**Motions**”) (*see* ECF 109-111).

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1           1.     **Notice Period.** Consistent with the Agreement and this Court’s order preliminarily  
2 approving the settlement (ECF 107), notice commenced on September 17, 2021, and provided  
3 Settlement Class Members (“SCMs”) with approximately sixty (60) days to respond by submitting  
4 online claim forms or mailing claim forms, objections, or requests for exclusion postmarked by  
5 November 17, 2021. DSG Supp. Decl. at ¶ 2; Order (ECF 107), at ¶ 13, 16, 19, 20; Agreement (ECF  
6 99-11), at ¶¶ 2.14, 2.25, 2.4, 3.6, 7.7. In addition, consistent with the Agreement and this Court’s  
7 order preliminarily approving the settlement, Plaintiffs and SCRs filed the Motions by November 3,  
8 2021, and posted them on the Settlement Website by November 4, 2021. Order (ECF 107), at ¶ 19;  
9 Agreement (ECF 99-11), at ¶¶ 6.1, 6.2, 7.2. Any opposition to said Motions was due approximately  
10 fourteen (14) days later on November 17, 2021. Order (ECF 107), at ¶ 19. As of the signing of this  
11 notice on December 1, 2021, approximately seventy-five (75) days have passed since notice of the  
12 settlement commenced; and approximately twenty-eight (28) days have passed since the SCMs  
13 received notice of the Motions.

14           2.     **Settlement Class Counsel & DSG.** As of the signing of this notice, on December 1,  
15 2021, not a single SCM has served on Settlement Class Counsel, or the Settlement Administrator,  
16 Digital Settlement Group (“DSG”), an objection, opposition, request for exclusion from or to the  
17 settlement, or otherwise complained about the fees, costs, or service awards requested under the  
18 Agreement. *See also* DSG Supp. Decl. at ¶¶ 4-5.

19           3.     **Defendants.** Nor has counsel for Defendants Bayer Healthcare LLC and Beiersdorf,  
20 Inc. (“**Defendants**”) indicated to Settlement Class Counsel that it received, as of the signing of this  
21 notice, an objection, opposition, or exclusion request from any SCMs regarding the settlement, let  
22 alone a complaint about the fees, costs, or service awards requested under the Agreement.

23           4.     **Docket.** Similarly, as of the signing of this notice, no SCMs have filed an objection,  
24 opt-out, or opposition to the settlement, or otherwise filed a complaint about the fees, costs, or service  
25 awards requested under the Agreement.

26     ///

27     ///

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1           Accordingly, Plaintiffs, SCRs, and Settlement Class Counsel respectfully request this Court  
2 grant the Motions in their entirety.

3  
4 Dated: December 1, 2021

Respectfully submitted,

**CLARKSON LAW FIRM**

By:

7 /s/ Katherine A. Bruce  
8 RYAN J. CLARKSON  
9 KATHERINE A. BRUCE  
10 KELSEY J. ELLING

**MOON LAW APC**  
11 CHRISTOPHER D. MOON  
12 KEVIN O. MOON

*Settlement Class Counsel and Attorneys for Plaintiffs  
and Settlement Class Representatives Mike Xavier and  
Steven Prescott*

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