

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:11-cv-10803-SVW-SH	Date	December 1, 2014
Title	<i>Lewert v. Boiron, Inc. et al.</i>		

Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE
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Paul M. Cruz Deputy Clerk Attorneys Present for Plaintiffs: N/A	Deborah Gackle Court Reporter / Recorder Attorneys Present for Defendants: N/A
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Proceedings: ORDER Clarifying November 5, 2014 Class Certification Order [217]

It has come to the Court’s attention that its November 5, 2014 Class Certification Order did not clearly effectuate the Court’s intent. The Court intended only to limit the class period to exclude purchasers of Oscilloccinum (“Oscillo”) who purchased Oscillo packages with the new *Gallucci* disclaimers. In other words, the Court meant to limit the class period to ensure that all class members purchased Oscillo packages without the *Gallucci* disclaimers.

Defendants Boiron, Inc. and Boiron USA, Inc. (collectively, “Boiron”) began shipping 30-dose Oscillo packages with the new disclaimers in approximately September 2013. (Supp. Land Decl. ¶ 8a.) Borion began shipping 12-dose Oscillo packages with the new disclaimers in approximately July 2014. (Supp. Land Decl. ¶ 8b.) Boiron began shipping 6-dose Oscillo packages with the new disclaimers in approximately August 2014. (Supp. Land Decl. ¶ 8c.)

The Court has a continuing duty to ensure that a class action complies with the requirements of Rule 23. *Guido v. L’Oreal, USA, Inc.*, No. 2:11-CV-01067-CAS, 2014 WL 6603730, at *14 (C.D. Cal. July 24, 2014). “Even after a certification order is entered, the judge remains free to modify it in light of subsequent developments in the litigation.” *Id.* (quoting *Gen. Tel. Co. of the Southwest v. Falcon*, 457 U.S. 147, 160 (1982)); Fed. R. Civ. P. 23(c)(1)(C)Se. Where a certified class definition is ambiguous, a court may clarify its certification order. *See, e.g., Ribot v. Farmers Ins. Grp.*, No. CV 11-02404 DDP FMOX, 2013 WL 5351085, at *2 (C.D. Cal. Sept. 24, 2013) (clarifying prior certification order). Accordingly, the Court issues this Order CLARIFYING its November 5, 2014 Class Certification Order and AMENDING the class definition as follows:

Initials of Preparer : _____
PMC

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Pursuant to Rule 23(b)(3), the Court CERTIFIES the class of all California residents who after July 27, 2012, and up to:

1. August 31, 2013, purchased 30-dose Oscillo packages;
2. June 30, 2014, purchased 12-dose Oscillo packages; and
3. July 31, 2014, purchased 6-dose Oscillo packages.

The Court certifies the class as to both the UCL and CLRA claims.

Initials of Preparer

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PMC