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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 JOHN McCURLEY, individually and on
12 behalf of all others similarly situated, et al.

13 Plaintiffs

14 v.

15 ROYAL SEAS CRUISES, INC.,

16 Defendant.
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Case No.: 17-cv-986-RSH-AHG

**ORDER GRANTING PLAINTIFFS’
MOTION FOR APPROVAL OF
DECERTIFICATION NOTICE**

[ECF No. 311]

20 On March 27, 2024, Plaintiffs filed a motion for approval of class decertification
21 notice. ECF No. 311. On April 4, 2024, Defendant filed a notice of non-opposition. ECF
22 No. 312.

23 Plaintiffs’ motion sets forth, at Exhibit A, a proposed form of notice. The Court
24 approves the proposed notice, with the addition of the phrase below (underlined herein only
25 to indicate that it should be added to the notice):

26 **Why Am I receiving This Notice?** A court has authorized this Notice
27 concerning a change in class action status in the abovementioned
28 lawsuit (the “Lawsuit”) involving the marketing of cruise vacation
packages and services by Royal Seas Cruises, Inc. (“Royal Seas”)

1 through an automatic telephone dialing system and/or artificial or
2 prerecorded voice. On December 21, 2023, the Court decertified the
3 class finding that a class action is no longer superior to other available
4 methods for fairly and efficiently adjudicating this controversy, due to
5 a demonstration made by Defendant of its insolvency and a complete
6 lack of funds available to compensate the Class for any settlement or
7 judgment. The Court made this determination on its own Motion after
8 reviewing the evidence from Defendant, and after the attorneys for both
9 sides stated that they did not oppose decertification of the class. You
10 are receiving this Notice because the change in class action status may
11 impact your rights.

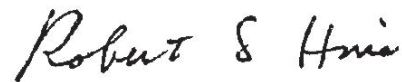
12 ECF No. 311, Ex. A.

13 The Court approves the remainder of the proposed notice as is. Plaintiffs shall also
14 post the notice to the web site associated with this case.

15 Accordingly, as set forth above, Plaintiffs' motion is **GRANTED**.

16 **IT IS SO ORDERED.**

17 Dated: April 4, 2024



Hon. Robert S. Huie
United States District Judge