

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROXIE SIBLEY, et al.,)	
)	
Plaintiffs,)	
v.)	CIVIL ACTION
)	
SPRINT NEXTEL CORPORATION, et al.,)	No. 08-2063-KHV
)	
Defendants.)	
<hr style="width:50%; margin-left:0;"/>		

ORDER TO SHOW CAUSE

On October 24, 2017, the parties filed a Stipulation For Dismissal Without Prejudice And Revisions To Class List (Doc. #785) and a Stipulation For Dismissal With Prejudice Of Certain Class Members (Doc. #786). In these stipulations, the parties agree to dismiss 4,749 identified class members without prejudice and 7,581 identified class members with prejudice. The parties further agree to send notice to the identified class members but fails to identify when such notice will be sent. See Stipulation For Dismissal Without Prejudice (Doc. #785) at 2, ¶ 2; Stipulation For Dismissal With Prejudice (Doc. #786) at 2, ¶ 2.

Rule 23(e) requires that “claims, issues, or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the court’s approval.” Further, under Rule 23(e)(1), “[t]he court must direct notice in a reasonable manner to all class members who would be bound by the proposal.” The Court retains wide discretion concerning the content and form of Rule 23(e) notice. Gottlieb v. Wiles, 11 F.3d 1004, 1013 (10th Cir. 1993) overruled, in part, on other grounds by Devlin v. Scardelletti, 536 U.S. 1 (2012). Rule 23(e) notice plays a critical role in cases such as this, where class members may suffer prejudice without any opportunity to be heard. See Shelton v. Pargo, Inc., 582 F.2d 1298, 1303 (4th Cir. 1978) (“[T]he primary purpose of 23(e) was to insure that an absentee class member, against whom an order of dismissal with prejudice

would be [r]es judicata, should be afforded an opportunity to be heard before any such order was entered.”). Accordingly, the Court orders the parties to show cause why the Court should not reserve its ruling on the stipulations until after the parties send the proposed notice to class members the stipulations would dismiss. The parties shall respond to this Order To Show Cause on or before **February 14, 2018**. The parties may reply on or before **February 19, 2018**.

IT IS SO ORDERED.

Dated this 6th day of February, 2018 at Kansas City, Kansas.

s/Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge