

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

ROXIE SIBLEY, et al.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	No. 08-2063-KHV
SPRINT NEXTEL CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion For Approval Of Adequacy Of Settlement Notice Process (Doc. #833) filed May 21, 2018 and plaintiffs’ revised Notice Of Settlement (Doc. #849-1) filed July 22, 2018. For reasons below, the Court sustains plaintiffs’ motion.

On June 27, 2018, the Court sustained plaintiffs’ motion to certify three settlement subclasses under Rule 23(b)(3), Fed. R. Civ. P., and sustained in part Plaintiffs’ Motion For Approval Of Adequacy Of Settlement Notice Process (Doc. #833). Memorandum And Order (Doc. #844) at 13-14. The Court withheld full approval of plaintiffs’ notice plan because the proposed notice of settlement did not satisfy the mandatory requirements of Rule 23(c)(2)(B), Fed. R. Civ. P., which governs certification notices for classes certified under Rule 23(b)(3). Id. at 10-13. In particular, the Court held that the proposed notice failed to define the settlement subclasses and did not allow class members to easily ascertain whether they are in a settlement subclass. Id. at 13. On July 5, 2018, plaintiffs filed a revised notice of settlement. Notice Of Settlement (Doc. #846-1). The revised notice defined the recently-certified settlement subclasses. It did not, however, allow class members to easily ascertain whether they belong to one of the settlement subclasses, even though

class counsel had posted such information on two settlement web sites. Id. at 2 (directing class members to 1115-page document which they would have to pay to view); see sprintretailsettlement.com (last visited August 1, 2018) (free access to list of subclass members through “Settlement Allocations” link); nka.com/case/sprintretailsettlement (last visited August 1, 2018) (same). On July 17, 2018, the Court ordered that plaintiffs “submit a revised notice of settlement which explains that the settlement web sites provide free access to a list of the class members in each subclass and instructs class members how to access that information.” Memorandum And Order (Doc. #848) at 2-3.

On July 22, 2018, plaintiffs submitted a revised notice of settlement. Notice Of Settlement (Doc. #849-1). The revised notice states that the settlement web sites provide a list of the class members in each subclass which class members can access for free. Id. at 2. Thus, for reasons stated in prior orders and Plaintiffs’ Memorandum In Support Of Motion For Approval Of Adequacy Of Settlement Notice Process (Doc. #834) filed May 21, 2018, the Court finds that plaintiffs’ revised notice complies with Rule 23(c)(2)(B) and Rule 23(e)(1), Fed. R. Civ. P., and sustains Plaintiffs’ Motion For Approval Of Adequacy Of Settlement Notice Process (Doc. #833). See Memorandum And Order And Order To Show Cause (Doc. #836) filed June 4, 2018 at 2-3; Memorandum And Order (Doc. #844) at 10-13; Memorandum And Order (Doc. #848) at 1-2.

Further, because the Court conditionally sustained plaintiffs’ motions for preliminary approval subject to the its approval of the adequacy of the settlement notice process, the Court sustains Plaintiffs’ Motion for Preliminary Approval Of Settlement (Doc. #814) filed March 2, 2017, Plaintiffs’ Amended Motion For Preliminary Approval Of Settlement (Doc. #817) filed March 7, 2018 and Plaintiffs’ Second Supplemental Motion For Preliminary Approval Of Settlement

(Doc. #831) filed May 21, 2018. Memorandum And Order (Doc. #848) at 3 n.1.

IT IS THEREFORE ORDERED that Plaintiffs' Motion For Approval Of Adequacy Of Settlement Notice Process (Doc. #833) filed May 21, 2018 is **SUSTAINED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Preliminary Approval Of Settlement (Doc. #814) filed March 2, 2017, Plaintiffs' Amended Motion For Preliminary Approval Of Settlement (Doc. #817) filed March 7, 2018 and Plaintiffs' Second Supplemental Motion For Preliminary Approval Of Settlement (Doc. #831) filed May 21, 2018 are **SUSTAINED**.

Dated this 1st day of August, 2018 at Kansas City, Kansas.

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