

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SAMANTHA HENNESSY, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:17-CV-00872-BCW
)	
MID-AMERICA APARTMENT)	
COMMUNITIES, INC.,)	
d/b/a MAA & Residences at)	
Burlington Creek,)	
)	
Defendant.)	

PARTIALLY AMENDED ORDER OF PRELIMINARY APPROVAL

Before the Court is Plaintiffs’ Motion for Amendment of November 28, 2018 Preliminary Approval Order. (Doc. #31). The Court, being duly advised of the premises, and with Defendant having no objection, grants said motion.

On November 28, 2018, the Court granted Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement. (Doc. #28). Based on the schedule proposed by Plaintiffs, to which Defendant indicated no objection, the Court established December 26, 2018 as the deadline for Plaintiff to send notice of the settlement to members of the class, with objections and/or opt out notices to be returned by February 26, 2019.

In the instant motion, Plaintiffs represent that “Defendant never provided the class list to the class administrator to send the notice and Class Counsel failed to follow up with the class administrator to confirm notice because they inadvertently marked the notice date as done in their calendaring system when marking prior case management dates that were no longer valid due to the settlement as done.” (Doc. #32 at 2). On this basis, Plaintiffs seek a partial amendment to the

previously-issue Preliminary Approval Order to extend the deadlines for class notice and to opt out of the class.

The final approval hearing in this case is scheduled for August 9, 2019. Consequently, there is sufficient time for the Court to extend the notice deadlines to the dates sought by Plaintiffs without disturbing the date of the final fairness hearing. Accordingly, it is hereby

ORDERED Plaintiffs' Motion for Amendment of November 28, 2018 Preliminary Approval Order. (Doc. #31) is GRANTED. The Court amends Sections III(A) and IV(A) of the Preliminary Approval Order to reflect as follows:

III. NOTICE TO CLASS MEMBERS

A. The Court has considered the Class Notice, attached as Exhibit A to the Agreement, including the proposed forms of notice, and finds that the forms, content, and manner of notice proposed by the Parties and approved herein meet the requirements of due process and Fed. R. Civ. P. 23(c) and (e), are the best notice practicable under the circumstances, constitute sufficient notice to all persons entitled to notice, and satisfy the Constitutional requirements of notice. The Court approves the notice program in all respects (including the proposed forms of notice, Summary Notice and Full Notice) and orders that notice be given in substantial conformity therewith. The notice program shall commence no later than 30 days after entry of this Order, on or about **April 1, 2019** (the "Notice Deadline"). The costs of preparing, printing, publishing, mailing, and otherwise disseminating the notice shall be paid solely from the Settlement Fund in accordance with the Agreement.

[. . .]

IV. REQUESTS FOR EXCLUSION FROM THE SETTLEMENT CLASS

A. A member of the Settlement Class who wishes to be excluded from the Settlement Class must mail a written notice of exclusion to the Claims Administrator, so that it is postmarked no later than 60 days after the Notice Deadline, **June 3, 2019** (the "Opt-Out Deadline"), and shall clearly state his or her

name and physical address and that he/she/their desires to opt-out of the settlement or otherwise do not wish to participate in the settlement.

[. . .]

It is further

ORDERED, unless otherwise modified herein, all other provisions of the Preliminary Approval Order (Doc. #28) remain in effect and unaltered.

IT IS SO ORDERED.

DATED: March 29, 2019

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT