

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**GARY COVINGTON, On Behalf of Himself
and all Others Similarly Situated**

PLAINTIFF

v.

No. 2:12-cv-123-DPM

**ULESS WALLACE, in his Official Capacity;
NEAL BYRD, in his Official Capacity; and
HERMAN HALL, in his Official Capacity**

DEFENDANTS

ORDER

1. Covington's new motions are partly granted and partly denied. The fairness hearing is continued until 9:00 a.m. on 28 September 2015. The parties' deadline for verifying claims, and deciding whether to stick with the settlement, is extended until 10 September 2015. The Court declines, at this point, to order the proposed notice about tentative classifications. This was not contemplated or planned for. The Court agrees with the County that it could create confusion rather than clarity. The prior notice and claim form make the classification results obvious. If the parties' verification process results in an unexpected classification, or some other tangle, then class counsel must follow up with individual claimants. If any issue is not resolved that way, then the parties must present it to Magistrate Judge Volpe. The

expanded verification period will allow class counsel to do his due diligence – including direct contact with any claimants, as need be.

2. We do need another notice about the hearing date. The Court directs Covington to have the Claims Administrator issue the following notice now to all claimants and objectors. Notice should be by email (if possible) and regular mail. It should be posted on the website. The City should also post this new notice, as before.

Notice

The Court has postponed the 11 September 2015 hearing. This is the hearing to determine whether the proposed Covington Class settlement is fair, reasonable, and adequate. **The hearing will be held instead on 28 September 2015.** The Court will consider all timely objections received by the Claims Administrator. Any class member who wants to be heard about the proposed settlement must be present at the September 28th hearing. **The Court will hold the hearing in courtroom 1A of the Richard Sheppard Arnold United States Courthouse, 500 West**

Capitol Avenue, Little Rock, Arkansas, 72201. If you have any questions, contact the Claims Administrator at www.PhillipsCountyClassActionSettlement.com or 1-844-360-8307.

3. The Court still needs a clean copy of the original notice. Copies of the final claim form would be helpful too. The Court requests a packet filing from class counsel sometime in the next week or so.

4. Status reports on all pending issues due by 10 September 2015.

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Motions, No 222 & 225, partly granted and partly denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

28 August 2015