

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JAMES STUART and CAREDA L.
HOOD, individually and on behalf
of all others similarly situated

PLAINTIFFS

v.

Case No. 4:14-cv-4001

STATE FARM FIRE AND CASUALTY
COMPANY

DEFENDANT

ORDER

On April 1, 2019, Plaintiffs filed an Opposed Motion for Order Approving Class Notice Plan and Class Notice. (ECF No. 168). On June 6, 2019, the Court granted in part and denied in part that motion. (ECF No. 200). The Court's order tentatively approved Plaintiffs' proposed Class Notice Plan, subject to Plaintiffs making certain revisions to the plan and its exhibits. The Court directed Plaintiffs to revise and refile the Class Notice Plan and exhibits, at which time the Court would determine whether to grant ultimate approval of the Class Notice Plan.

On June 25, 2019, Plaintiffs filed their revised Class Notice Plan and exhibits. That same day, Defendant filed a notice stating that it did not intend to file a further response to the revised Class Notice Plan, but that it incorporates its previously asserted objections to the Class Notice Plan.

The Court has reviewed the revised Class Notice Plan and exhibits and finds that the revisions comport with the Court's desired changes. The Court hereby **APPROVES** the revised Class Notice Plan and exhibits, including the Postcard Notice, the Long Form Notice, the Banner, and the Publication Notice. (ECF No. 205-1). The Court finds further that the revised Class Notice

Plan and exhibits provide the best notice that is practicable under the circumstances and provides for individual notice to all class members who can be identified through reasonable effort. Fed. R. Civ. P. 23(c)(2)(B). The revised Class Notice Plan and exhibits meet or exceed the requirements for due process. The Court finds that the revised Class Notice Plan and exhibits clearly and concisely state in plain, easily understood language those matters set forth in Rule 23(c)(2)(B)(i-vii).

JND Legal Administration (the “TPA”) is hereby **APPROVED** to serve as the third-party notice administrator to assist in the effectuation of the revised Class Notice Plan. In accordance with Paragraphs 1 and 2 of the revised Class Notice Plan, Defendant is ordered to compile the data specified in the revised Class Notice Plan in an electronic spreadsheet format that may be used by the TPA and provide said data to Class Counsel **within twenty-one days of the date of this order**.

The parties, their counsel, and the TPA are further **ORDERED** to effectuate the remaining terms of the revised Class Notice Plan. Plaintiffs shall bear the initial cost of providing notice to the class. If Plaintiffs ultimately prevail in this case, the Court will entertain an appropriate motion regarding costs.

IT IS SO ORDERED, this 2nd day of July, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge