

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Master Docket No. 06-cv-17430-WYD-CBS (MDL Docket No. 1743)

IN RE AMERICAN FAMILY MUTUAL INSURANCE COMPANY OVERTIME PAY
LITIGATION

ORDER GRANTING JOINT MOTION REGARDING RE-MAILING OF
NOTICE TO CERTAIN CLASS MEMBERS

This Order Relates to *Baldozier v. American Family*, Case No. 04-cv-02174, and
Schultz v. American Family, Case No. 06-cv-00322¹

THIS MATTER is before the Court on the parties' Joint Motion Regarding Re-Mailing of Notice to Certain Class Members, filed October 21, 2010 [ECF No. 417].

Upon consideration of the motion and the file herein, it is hereby

ORDERED that the motion is **GRANTED**. It is

FURTHER ORDERED that on October 21, 2010, Counsel for Collective Action Members in the Schultz and Baldozier actions shall re-mail the Notice of Settlement and Claim Form approved by this Court's October 6, 2010, Order to those Collective Action Members for whom the incorrect zip code was used in the initial mailing of notice by Counsel for Collective Action Members on October 7, 2010, but who have not already

¹This matter is a consolidated action for unpaid overtime compensation and related penalties and damages brought pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), and various states' wage and overtime laws. The action is comprised of two consolidated cases including *Rocky Baldozier, et al. v. American Family Mutual Insurance Co.*, Case No. 04-cv-02174, initially filed in this court on October 20, 2004 (the "*Baldozier* case"), and a case initiated in the Northern District of Illinois styled *Robert Schultz v. American Family Mutual Insurance Co.*, Civil Case No. 06-cv-00322 (Northern District of Illinois Civil Case No. 04-cv-05512) (the "*Schultz* case"). The cases were consolidated by the Judicial Panel on Multidistrict Litigation ("MDL") and transferred to this Court as a single case on February 13, 2006.

responded to that Notice. It is

FURTHER ORDERED that these Collective Action Members shall have until November 20, 2010 (30 days from the re-mailing of the Notice of Settlement and Claim Form) to (1) return the Claim Form accepting the settlement; or (2) withdraw their Consents to Join the Schultz or Baldozier FLSA collective actions. (Claim Forms and withdrawals shall be timely if postmarked within 30 days of the mailing of notice.) As set forth in the Court's October 6, 2010 Order, each of the 111 persons on Exhibit 3 to that Order shall be deemed to have accepted the settlement and to have timely submitted a Claim Form, unless he or she timely submits a written request to Counsel for Collective Action Members to withdraw his or her Consent to Join. It is

FURTHER ORDERED that the Collective Action Members to whom Notice is re-mailed shall also have 30 days after the re-mailing of notice to submit written comments on the terms of the proposed settlement to Counsel for Collective Action Members. Counsel for Collective Action Members shall furnish copies of such comments to opposing counsel and file such comments with the Court in advance of the final approval hearing. It is

FURTHER ORDERED that the following deadlines shall be modified as follows:

Plaintiffs' counsel to furnish final lists of opt-in responses to American Family	November 23, 2010
Deadline for American Family to cancel settlement because of too many withdrawals of consents to join	November 30, 2010
Submission of joint motion for judgment and final approval	December 3, 2010

Dated: October 21, 2010

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge