

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 07-cv-02503-WJM-MJW

STEVEN A. STENDER, and
INFINITY CLARK STREET OPERATING, L.L.C.,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ARCHSTONE-SMITH OPERATING TRUST *et al.*,

Defendants.

ORDER GRANTING MOTION FOR APPROVAL OF CLASS NOTICE PLAN

Before the Court is Plaintiffs' Motion for Approval of Plaintiffs' Plan for Class Notice (ECF No. 467) and Plaintiffs' Notice of Corrected Class Notices (ECF No. 484) (collectively, "Approval Motion"). Defendants do not oppose the Approval Motion. (See ECF Nos. 483, 487, 488.) Having independently considered the Approval Motion, the Court FINDS and ORDERS as follows:

1. Plaintiffs' proposed plan to notify class members (see ECF No. 467-1 ¶¶ 5–8) ("Notice Plan") meets all requirements of Fed. R. Civ. P. 23(c)(2), and the Approval Motion (ECF No. 467) is therefore GRANTED.
2. The Court approves the proposed forms of notice filed at ECF Nos. 484-3 and 484-4 ("Notices").
3. Kurtzman Carson Consultants LLC is appointed "Notice Administrator" and is approved to supervise and administer the Notice Plan. The Notice Administrator will be responsible for: (a) establishing a P.O. Box, information telephone line,

and website for the purpose of communicating with Class members; and
(b) disseminating the Notices to the Class.

4. The Notice Administrator shall cause a copy of the postcard Notice, substantially in the form filed at ECF No. 484-4, to be: (a) mailed by first class mail, postage prepaid, no later than four weeks following the entry of this Order, to all members of the Class identified by the Parties through the efforts described in the Notice Plan; and (b) provided to all persons who request it.
5. The Notice Administrator shall also cause a website to be established for the purpose of this settlement (“Notice Website”) within five days after the entry of this Order. The Notices will direct Class members to the Notice Website.
6. Class members must be advised in the Notices of their right to exclude themselves from the Class, and instructed in the Notices and on the Website as to the procedure for submitting a request for exclusion. The Notices must state that, to be timely, written requests for exclusion from the Class must be received by the Notice Administrator no later than thirteen weeks after the date of the first mailed Notice. This date shall be specified in the Notices.

Dated this 1st day of February, 2016.

BY THE COURT:



William J. Martinez
United States District Judge