

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Judge John L. Kane

Civil Action No. **09-cv-00938-JLK-KMT** (consolidated with No. 10-cv-00765-JLK)

JAMES P. TENILLE, ROBERT SMET, ADELAIDA DELEON and YAMILET

RODRIGUEZ, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

**THE WESTERN UNION COMPANY and WESTERN UNION FINANCIAL SERVICES,
INC.**,

Defendants.

ORDER

Kane, J.

A conflict in the Court's schedule has arisen since the selection of June 14, 2013 for the Final Approval hearing in this case. Given the nature of the hearing and the logistics involved in setting it, I am reluctant to move it and have asked my colleague, former Chief and now Senior Judge Richard P. Matsch of this District, to take the hearing. He has graciously agreed to do so. I am notifying the parties and counsel of the change so that any questions or concerns they may have may be raised and addressed before the hearing.

The parties may count on the fact that Judge Matsch will be fully apprised of the facts and history of this litigation and will be ready to address any issues that arise at the Final Approval hearing. These issues will *not* include the questions of class representative incentive awards or attorney fees and expenses, both of which, in accord with Sections 4 and 5 of the

parties' Stipulation (Doc. 172-2), will be decided separately and independently of the determination of whether to approve the settlement. Judge Matsch will be prepared to address the proposed *cy pres* fund (Section 6 of the Stipulation) and to resolve any issues related the parties' joint recommendation regarding the nature and management of that fund.

Dated: May 21, 2013.

/s John L. Kane
SENIOR U.S. DISTRICT JUDGE