

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

Civil Action No. 11-cv-02888-WJM-MJW

LISA STRANSKY,
NATALIE FIORE,
ERIN PEREZ,
HELEN GEIST,
ANGELA VANLENGEN,
BROOKE THOMPSON,
MILDRED HAMILTON, and
NICOLE WAGNER,

individually and on behalf of others
similarly situated,

Plaintiffs,

v.

HEALTHONE OF DENVER, INC.,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION
FOR CLARIFICATION AND MODIFICATION OF COURT'S ORDER AND REQUEST
FOR EXTENSION OF TIME**

This matter is before the Court on Defendant's Motion for Clarification and Modification of the Court's Order, and Request for Extension of Time ("Motion"). (ECF No. 121.) Defendant's Motion requests clarification and modification with respect to the Court's Order of March 7, 2013 (ECF No. 120), in which this Court ordered, *inter alia*, Defendant to disseminate a Corrective Notice via e-mail to putative Plaintiff class members who attended in-person meetings where this lawsuit and the forthcoming Notice were discussed. (ECF No. 120 at 20-21.)

Having reviewed and considered Defendant's Motion, and for good cause shown, the Court ORDERS as follows:

1. Defendant's Motion for Clarification and Modification of the Court's Order and for Extension of Time (ECF No. 121) is GRANTED in part and DENIED in part;
2. The Court's Order of March 7, 2013 (ECF No. 120) is hereby amended with regard to Defendant's dissemination of the Corrective Notice. Defendant shall send the Corrective Notice, attached to the Order of March 7, 2013 at Appendix A, via Outlook, MOX, and In-Person Delivery as follows:
 - a. Defendant shall send the Corrective Notice as an attachment to the relevant individuals who have Outlook e-mail accounts via Outlook e-mail;
 - b. Defendant shall send the Corrective Notice to the relevant individuals who have MOX e-mail through MOX e-mail by pasting the text of the Corrective Notice into the body of the email, and Defendant shall manually modify the formatting of the MOX e-mail(s) to preserve the bolded language from the Corrective Notice;
 - c. With regard to the individuals who do not have either Outlook or MOX, Defendant shall personally deliver the Corrective Notice to such individuals through a department supervisor (who has not taken an active role in the case), who will hand them a plain envelope containing the Corrective Notice and deliver a brief, scripted message that says: "I am required by the Court to deliver this envelope to you and have you sign that you have received it. I am not permitted to provide any further explanation." Defendant will provide Plaintiffs' counsel with the names

and positions of the supervisors who will be delivering the Corrective Notice and making this statement once the supervisors have been identified and will confer about any concerns or objections Plaintiffs may have with regard to the selected supervisors;

- d. Defendant is GRANTED a 14-day extension to comply with the Court's Order concerning dissemination of the Corrective Notice, and Defendant shall submit a certificate of compliance on or before March 29, 2013, certifying compliance with this Court's Order, and shall serve a copy of such certificate on Plaintiffs;
 - e. Defendant shall bear its own costs with regard to the dissemination of the Corrective Notice as ordered on March 7, 2013;
3. Plaintiffs shall cause the Notice attached to the March 7, 2013 Order at Appendix B to be sent by the claims administrator to putative class members no later than 30 days following the date of Defendant's certification as described above;
 4. The Notice Period shall be 60 days; all Consents to Participate in Lawsuit returned to the claims administrator by putative class members electing to join the lawsuit shall be postmarked no later than 60 days following the date the Notice is mailed, and the text of the Notice shall be updated to reflect the date of mailing;
 5. Plaintiffs shall have 30 days following the end of the Notice Period to notify the Court of all putative class members who have opted in to the lawsuit by properly submitting Consents to Participate in Lawsuit and shall serve copies of all such Consents to Participate in Lawsuit on Defendant; and

6. Defendant's Motion for Clarification is DENIED, the Court declines to reopen the issue of communications with the putative class members, and all prior orders limiting such communications by either party remain in full force and effect.

Dated this 15th day of March, 2013.

BY THE COURT:



William J. Martinez
United States District Judge