

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

Civil Action No. 12-cv-1561-WJM-MEH

JAMES DANIEL TUTEN, on behalf of himself and all others similarly situated,

Plaintiff,

v.

UNITED AIRLINES, INC.,

Defendant.

**ORDER RESETTING FAIRNESS HEARING AND DIRECTING
SETTLEMENT ADMINISTRATOR AND CLASS COUNSEL
TO PROVIDE NOTICE TO THE CLASS**

On October 31, 2013, the Court entered an Order certifying the class in this case, appointing class counsel and a settlement administrator, approving the form of the notice to the class, preliminarily approving the proposed settlement, and setting a final fairness hearing for May 16, 2014 at 11:00 a.m. (ECF No. 52.) The Settlement Administrator has mailed the approved notice, including the date and time of the final fairness hearing, to the class. (ECF No. 58-1.)

Due to a personal conflict for the undersigned which has developed subsequent to the entry of said Order, the Court must reset the date and time of the final fairness hearing to May 15, 2014 at 9:00 a.m. The Court has consulted with counsel for both parties, who have agreed on a plan to provide notice of this change to the class. In accordance with the parties' agreement, the Court hereby ORDERS as follows:

1. **The final fairness hearing set for May 16, 2014 at 11:00 a.m. is VACATED and RESET to May 15, 2014 at 9:00 a.m.**
2. The Court-appointed Settlement Administrator SHALL SEND to the same list of putative class members as was sent the original notice (including any corrected or updated addresses it has obtained) a postcard which states as follows:

You are receiving this supplemental notice because you previously received the Court-approved notice regarding a class action settlement in the case of *Tuten v. United Airlines*, No. 1:12-cv-1561-WJM-MEH (D. Colo.).

I am writing to inform you that the U.S. District Court in this action has **RESCHEDULED** the date of the fairness hearing from May 16, 2014 at 11:00 a.m. to **May 15, 2014 at 9:00 a.m.** This change will not affect any other date identified in the prior notice.

If you have any questions, please contact the Settlement Administrator by calling 1-855-330-5890.
3. The Settlement Administrator SHALL UPDATE the date and time of the fairness hearing on the Administrator-maintained website. The new date and time shall be prominently displayed on the website (e.g., bold, underline, or larger font).
4. Class Counsel SHALL UPDATE the date and time of the fairness hearing on its web site related to the settlement. The new date and time shall be prominently displayed on the website (e.g., bold, underline, or larger font).
5. All class members who have filed, or who in the future file, the required notice with the Court stating an intention to attend the fairness hearing as originally scheduled for May 16, 2014 SHALL BE PERSONALLY CONTACTED by the Settlement Administrator to inform them of the change in date and time and the

need to file a new notice of intent to appear at the rescheduled hearing.

Dated this 21st day of January, 2014.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez", written over a horizontal line.

William J. Martinez
United States District Judge