

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MEDICAL AND
CHIROPRACTIC CLINIC, INC.,

Plaintiff,

v.

CASE NO. 8:16-cv-644-T-23JSS

KMH CARDIOLOGY
CENTRES INCORPORATED, et al.,

Defendants.

ORDER

In this TCPA action, the plaintiff moves (Doc. 79) unopposed for certification of a settlement-only class and for preliminary approval of the class-action settlement. The magistrate judge recommends (Doc. 81) granting the motion, “conditionally certifying” a settlement-only class, and denying without prejudice an earlier and opposed motion (Doc. 60) for class certification. More than fourteen days after the report and recommendation, no objection appears. The report and recommendation (Doc. 81) is **ADOPTED**, the motion (Doc. 79) for certification of a settlement-only class and for preliminary approval of the class-action settlement is **GRANTED**, the class notice (Doc. 83-2) is **APPROVED**, and the settlement is **PRELIMINARILY APPROVED**. In accord with the recommendation, Medical & Chiropractic Clinic, Inc., is appointed class representative, and Ryan M. Kelly of Anderson + Wanca is

appointed class counsel. The opposed motions (Docs. 36 and 60) for summary judgment and for class certification are **DENIED WITHOUT PREJUDICE**.

No later than **JULY 5, 2017**, the third-party administrator must send notice to the class.* No later than **AUGUST 28, 2017**, a class member may request exclusion from the class or may object to the fairness of the settlement. No later than **SEPTEMBER 14, 2017**, the parties may respond to an objection and may submit a memorandum in support of final approval. No later than **SEPTEMBER 14, 2017**, the class counsel may move for an attorney's fee, costs, expenses attendant to the litigation, and an incentive fee for the plaintiff. A response to an objection, a motion for an attorney's fee, and a memorandum in support of final approval may not exceed fifteen pages. On **SEPTEMBER 29, 2017**, at **8:30 a.m.** in **Courtroom 15A** of the Sam M. Gibbons U.S. Courthouse, 801 N. Florida Ave., Tampa, Florida 33602, a hearing will determine finally whether the settlement fairly and reasonably resolves the class action. A class member need not attend the hearing unless the class member objects to the settlement's fairness.

ORDERED in Tampa, Florida, on June 26, 2017.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

* The deadlines in this order supersede Section IV of the report and recommendation.