

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BRANDI R. BRUNER, individually,)
and on behalf of a class of others)
similarly situated,)

Plaintiffs,)

v.)

SPRINT/UNITED MANAGEMENT CO.,)
et al.,)

Defendants.)

CIVIL ACTION
No. 07-2164-KHV

JENA LIPNICK and JENNIFER FONG,)
individually, and on behalf of a class of)
others similarly situated,)

Plaintiffs,)

v.)

SPRINT/UNITED MANAGEMENT CO.,)
et al.,)

Defendants.)

CIVIL ACTION
No. 08-2133-KHV

JOHNNY ALMONTE, individually,)
and on behalf of a class of others similarly)
situated,)

Plaintiffs,)

v.)

NEXTEL OF NEW YORK, INC.,)

Defendant.)

CIVIL ACTION
No. 08-2149-KHV

ORDER

This matter comes before the Court on the parties' Joint Motion To Correct August 25, 2009

Order And To Substitute Exhibit (Doc. #284) filed September 9, 2009. For substantially the reasons set forth in the motion, the Court hereby sustains the parties' motion.

On August 25, 2009, the Court approved the parties' joint motion to approve the settlement in the California and New York class actions. See Order (Doc. #282). Therein, the Court certified two classes of individuals under Rule 23(a) and (b)(3), approved the settlement agreement, attorneys' fees and expenses with respect to the California and New York Classes, granted incentive awards to the named plaintiffs and excluded those individuals who requested exclusion from the California and New York Classes. Id. The parties now state that the Court's order of August 25th incorrectly references the exhibits containing the names of those individuals who chose to opt-out of the settlement. The parties request that the Court clarify its order to reflect that the persons identified in Exhibit G timely and validly excluded themselves from the New York Class and that the persons identified in Exhibit H timely and validly excluded themselves from the California Class.¹ See Joint Motion To Correct August 25, 2009 Order And To Substitute Exhibit (Doc. #284) filed September 9, 2009 at 2.

Plaintiffs' motion requesting final approval of the settlement of the California and New York class actions stated that Exhibit G of that motion was a list of those individuals who had opted out of the California Class. See Memorandum Of Points And Authorities In Support Of Plaintiffs' Unopposed Motion for Final Approval of Class Settlement (Doc. #273) filed July 13, 2009 at 6. The motion also referred to Exhibit H as the list of individuals who had opted out of the New York Class.² See id. at 8.

¹ The parties also request that the Court substitute a revised Exhibit G which includes the name of Lawrence McMannis, who mistakenly opted out prior to the Court's order of August 25th.

² The Court notes that prior to issuing the order of August 25, 2009, it contacted plaintiffs' attorneys for clarification of exhibits referenced in their proposed order relating to Doc. #273. Staff for plaintiffs' counsel advised that the exhibits attached to plaintiffs' original motion were
(continued...)

The parties now state that these designations were made in error and request that the Court switch the designations.

IT IS THEREFORE ORDERED that the Joint Motion To Correct August 25, 2009 Order And To Substitute Exhibit (Doc. #284) filed September 9, 2009 be and hereby is **SUSTAINED**.

Dated this 23rd day of September, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge

²(...continued)
correctly referenced in the motion, even though the exhibits themselves were untitled and ambiguously referenced in plaintiffs' proposed order.