IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RICK HARLOW, et al.,	)	
	)	
Plaintiffs,	)	
	)	**CIVIL ACTION**
v.	)	
	)	**No. 08-2222-KHV**
SPRINT NEXTEL CORPORATION, et al.,	)	
	)	
Defendants	)	
	)	

SECOND ORDER TO SHOW CAUSE

On March 2, 2018, plaintiffs filed Plaintiffs' Motion For Preliminary Approval Of Settlement (Doc. #372). On March 8, 2018, the Court held a preliminary settlement approval hearing. At the hearing, the Court voiced concerns about certain aspects of the proposed settlement agreement. On March 16, 2018, plaintiffs filed a Supplemental Memorandum In Support Of Plaintiffs' Motion For Preliminary Approval Of Settlement (Doc. #378). Plaintiffs' supplemental memorandum provided additional information concerning (1) revisions to the settlement process; (2) the parties' efforts to ensure the most practicable notice of settlement; and (3) a new cy pres recipient. See generally id. On April 5, 2018, the Court ordered the parties to submit additional information and show cause why they should not revise certain provisions of the proposed settlement. Order To Show Cause (Doc. #380) at 1-7. On April 16, 2018, the parties responded and submitted for preliminary approval a revised settlement agreement. Plaintiffs' Response To Order To Show Cause (Doc. #381); Defendants' Response To The Court's Order To Show Cause [] Regarding The Supplemental Memorandum In Support Of Plaintiffs' Motion For Preliminary Approval Of Settlement (Doc. #383). On May 2, 2018, plaintiffs submitted a new settlement agreement which corrected

typographical errors and revised one provision of the prior draft. See Settlement Agreement (Doc. #385-1).

The Court has reviewed the foregoing filings and orders the parties to show cause why they should not revise the Settlement Agreement (Doc. #385-1) as follows:

A. Class counsel have represented to the Court that they will send out a national press release concerning the settlement after preliminary approval of the settlement agreement. See Plaintiffs' Response To Order To Show Cause (Doc. #381) at 13. The settlement agreement does not however, include any provisions concerning issuance of this notice. The Court orders that the parties show cause why they should not revise the settlement agreement to include provisions which require class counsel to issue a press release.

B. The settlement agreement states that the parties will provide the Court a report summarizing the results from the postcard mailing. Settlement Agreement (Doc. #385-1), ¶ 11.j. The settlement agreement does not however, require the parties to incorporate any potential feedback from the Court or wait for Court approval before mailing notices of settlement to class members. Id., ¶ 11.e. The Court orders that the parties show cause why they should not revise the settlement agreement to include a provision which requires the parties to incorporate potential feedback from the Court before sending notices of settlement to class members.

C. To grant preliminary approval, the Court must consider, among other things, whether the parties deem the settlement agreement fair and reasonable. Rutter & Wilbanks Corp. v. Shell Oil Co., 314 F.3d 1180, 1188 (10th Cir. 2002). Although class counsel have represented to the Court that they will submit an executed agreement after preliminary approval, no parties have signed the current settlement agreement. See Settlement Agreement (Doc. #385-1) at 20-24; Supplemental

Declaration Of Michele R. Fisher (Doc. #385) filed May 2, 2018, ¶ 5. The class representatives and counsel signed prior drafts, but the Court cannot merely presume that the parties will approve revisions and agree to the revised settlement agreement. See Settlement Agreement (Doc. #379) filed March 28, 2018 at 21-25 (prior draft with representatives' signatures). The Court orders that the parties show cause why they should not submit for preliminary approval an executed settlement agreement.

The parties shall respond to this order to show cause **on or before Monday, May 21, 2018.** The response shall include (1) a revised motion for preliminary approval, (2) a revised settlement agreement or the parties' arguments against revising the agreement and (3) a motion for the Court to approve the adequacy of the settlement agreement's proposed notice plan.

IT IS SO ORDERED.

Dated this 9th day of May, 2018 at Kansas City, Kansas.

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