

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL L. JONES, SHANISE SLAMIN, &
TRACI DORRELL, INDIVIDUALLY AND ON
BEHALF OF A CLASS,

Plaintiff,

vs.

Case No. 11-2472-JTM

DICKINSON THEATRES, INC., *et al.*,
Defendants.

MEMORANDUM AND ORDER

The plaintiffs, representatives of a proposed class, allege that defendants violated the Fair and Accurate Credit Transformations Act (FACTA), 15 U.S.C. § 1681, by generating credit card receipts which did not properly truncate their card numbers, thereby rendering the plaintiffs more vulnerable to identity theft. The matter is before the court on the unopposed motion of the plaintiffs seeking conditional class certification, appointment of class representatives and counsel, preliminary approval of a proposed settlement and class notice, and setting of the final approval hearing.

For good cause shown, the plaintiffs' motion is hereby granted. The court provisionally certifies the matter as a class action under Fed.R.Civ.Pr. 23(a) and (b)(3), finding that the plaintiffs have demonstrated the requirements for such treatment in light of the number of claimants presenting typical and common claims, and that the plaintiffs will fairly represent the class. The

court also finds that common questions of law and fact predominate in the action, and that a class action is superior to other means of adjudication.

The court also finds that the proposed notice to the class and that the proposed settlement are adequate and appropriate. The court finds that the settlement is fair, adequate and reasonable and falls within the range of possible approval.

The Settlement Class is therefore certified conditionally, the plaintiffs are hereby appointed Class Representatives and the plaintiffs' counsel as Class Counsel, the Settlement is provisionally approved, and the Parties' Notice plan (Dkt. 10, at 20) is approved, with the additional specification that class members may opt-out of the Settlement no later than 125 days after the date of this Order. The court will schedule a Final Approval Hearing upon further consultation with the parties.

IT IS SO ORDERED this 23rd day of February, 2012.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE