

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHAD SEMRAU, individually  
and on behalf of a class,

Plaintiff,

v.

Case No. 13-2104-JTM

WEI'S INC.,

Defendant.

MEMORANDUM AND ORDER

The plaintiff, representative of a proposed class, alleges that defendants violated the Fair and Accurate Credit Transformations Act (FACTA), 15 U.S.C. § 1681, by failing to properly truncate the credit card and debit card expiration dates on electronically printed receipts provided to its customers, thereby rendering the plaintiff more vulnerable to identity theft. The matter is before the court on a joint motion by the plaintiff and defendant 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. *See* Dkt. 22.

For good cause shown, the plaintiff's motion is hereby granted. The court provisionally certifies the matter as a class action under Fed. R. Civ. P. 23(a) and (b)(3), because the plaintiff has demonstrated the requirements for such treatment in light of the number of claimants presenting typical and common claims, and the plaintiff will fairly represent the class. Common questions of law and fact predominate in the action, and a class action is superior to other means of adjudication.

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

The Settlement Class is therefore certified conditionally, the plaintiff is hereby appointed Class Representative and the plaintiff's counsel as Class Counsel, the Settlement is provisionally approved, and the Parties' Notice plan (Dkt. 23, at 18-20) is approved. The court will schedule a Final Approval Hearing upon further consultation with the parties.

IT IS SO ORDERED this 31<sup>st</sup> day of October, 2013.

s/J. Thomas Marten

J. THOMAS MARTEN, JUDGE