

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

LETCHE G. DAY, et al.,)	
)	
Plaintiffs,)	Civil Action No. 5:17-CV-183-CHB
)	
v.)	
)	
AIR METHODS CORPORATION, et al.,)	ORDER ACCEPTING AND
)	ADOPTING REPORT AND
Defendants.)	RECOMMENDATION AND
)	PRELIMINARY ORDER OF
)	APPROVAL

*** **

This matter is before the Court on the Report and Recommendation (“Recommendation”) of United States Magistrate Judge Matthew A. Stinnett. [R. 113] Pursuant to 18 U.S.C. § 636(b)(1)(B)-(C), the Court referred the Plaintiffs’ Unopposed Motion for Class Certification and Preliminary Approval of Class Action Settlement (“Plaintiffs’ Motion for Preliminary Approval”) [R. 105] for findings of fact, conclusions of law, and recommendation. [R. 107] Magistrate Judge Stinnett also conducted a status conference in this matter and ordered supplemental briefing. *See* [R. 107; R. 108; R. 110] Thereafter, the parties filed a Joint Supplement to Plaintiff’s Unopposed Motion for Class Certification and Preliminary Approval of Proposed Settlement. [R. 112] In his Recommendation, Magistrate Judge Stinnett recommended that the Court find as follows:

1. That the Court will likely be able to approve the Settlement Agreement on behalf of all current and former flight nurses and flight paramedics employed by AMC in the Commonwealth of Kentucky at any time from March 22, 2012, through the date the Court enters an Order of preliminary approval;

2. That the Court will likely be able to certify the proposed Class for the purposes of judgment on the proposed Settlement Agreement only;
3. The Court approve the proposed Notice and Opt-out forms set forth in [R. 105-2] with the changes noted in his Recommendation at [R. 113, at pp. 21-22];
4. The Court approve a website and First Class United States Postal Mail as means of distributing notice to the Class Members, to be disseminated within 60 days of the entry of the Order of preliminary approval; and
5. A Final Approval Hearing shall be held before the District Court at the discretion of the Court with the Court to establish any and all necessary interim deadlines as described in Fed. R. Civ. P. 23.

[R. 113]

The Court conducts a *de novo* review of the portions of a magistrate judge's report and recommendation to which a party objects. 28 U.S.C. § 636(b)(1). The Court is not required to review claims in which neither party objects to the findings of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Magistrate Judge Stinnett instructed the Parties to file objections to the Recommendation within fourteen (14) days from its entry pursuant to Fed. R. Civ. P. 42 and 28 U.S.C. § 363(b) and (c). *See id.* at p. 23. Neither party has filed objections to the Recommendation, and the time to do so has passed. *Id.* Nonetheless, the Court has reviewed the parties' filings, the Settlement Agreement, and the Recommendation fully. Therefore, and with the Court being sufficiently advised, the Court will **ACCEPT** and **ADOPT** Magistrate Judge Stinnett's Report and Recommendation [R. 113] as the Opinion of this Court. It is **FURTHER ORDERED** as follows:

1. Plaintiffs' Unopposed Motion for Class Certification and Preliminary Approval of Class Action Settlement [R. 105] is **GRANTED** subject to the modifications adopted in the

Court's **Report and Recommendation [R. 113]**, and the Parties' proposed settlement is **PRELIMINARILY APPROVED**.

2. This Court has jurisdiction over the implementation and administration of the Settlement Agreement.

3. The class defined in the Parties' Settlement Agreement [**R. 105-2, Ex. A, Settlement Agreement, Ex. A-2, at p. 2**] is **CONDITIONALLY APPROVED** for settlement purposes, including \$900,000.00 in attorney's fees. Additionally, the schedule set forth in the Settlement Agreement is **APPROVED**.

4. Letch G. Day is **APPOINTED** as class representative.

5. Counsel for Named Plaintiffs, Charles W. Arnold and Christopher D. Miller of Arnold & Miller, PLC and J. Robert Cowan of Cowan Law Office, PLC are **APPOINTED** as class counsel.

6. CPT Group, Inc. is **APPOINTED** as the settlement administrator to administer the settlement in accordance with the settlement agreement.

7. The notice packet and opt-out form [**R. 105-2, Ex. A, Settlement Agreement, Ex. A-2**] are **APPROVED**, conditioned on the modifications contained in Magistrate Judge Stinnett's Report and Recommendation [**R. 113**].

8. A Final Fairness Hearing is **SCHEDULED** for **Wednesday, November 20, 2019**, at the hour of **10:00 a.m.**, before the Hon. Claria Horn Boom, United States District Court Judge, at the United States Courthouse in Lexington, Kentucky.

This the 21st day of August, 2019.



Claria Horn Boom

CLARIA HORN BOOM,
UNITED STATES DISTRICT COURT JUDGE
EASTERN AND WESTERN DISTRICTS OF
KENTUCKY