

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CHRISTOPHER VENEGAS,)
)
Plaintiff,)
)
v.) Docket No. 2:14-cv-249-NT
)
GLOBAL AIRCRAFT SERVICE, INC.)
and LUFTHANSA TECHNIK NORTH)
AMERICA HOLDING CORP.,)
)
Defendants)

ORDER AUTHORIZING NOTICE OF CLASS ACTION SETTLEMENT

The Plaintiffs have moved for an order approving their notice to the class and have asked me to set the date for the final fairness hearing.¹ In support of their request for authorization of the class notice, the Plaintiffs have filed the Settlement Agreement between the Plaintiffs and the Defendants and a proposed revised Notice of Class Action Settlement. To ensure proper notice is provided to class members in accordance with due process requirements, and to conduct a final approval hearing as to the good faith, fairness, adequacy and reasonableness of any proposed settlement, I hereby make the following determinations and orders:

¹ The Plaintiffs have also moved for preliminary approval of their class action settlement. As is customary in this district, I will reserve the determination of the proposed settlement's fairness, reasonableness, and adequacy until the final fairness hearing. See *Michaud v. Monro Muffler Brake, Inc.*, No. 2:12-cv-00353-NT, 2015 WL 1206490, *8 (D. Me. March 17, 2015); *In re New Motor Vehicles Canadian Export Antitrust Litig.*, 236 F.R.D. 53, 55-56 (D. Me. 2006).

1. It appears that investigation, discovery, research, and litigation have been conducted such that counsel for the parties at this time are able to reasonably evaluate their respective positions. It further appears that settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation. It also appears that the proposed Settlement Agreement has been reached as the result of informed negotiations between the parties.

2. I have reviewed the Settlement Agreement and the proposed revised Notice of Class Action Settlement. I find that the proposed revised Notice satisfies the requirements of Rule 23(c)(2)(B) by clearly and concisely stating in plain, easily understood language (i) the nature of the action; (ii) the definition of the Class certified; (iii) the class claims and issues; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the Court will exclude from the Class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

3. The Notice also satisfies Rule 23(c)(2)(B) and due process standards by mailing individual notice to all identified class members. The Court finds that mailing the Notice to the Class Members constitutes an effective method of notifying Class Members of the case, the proposed settlement, and their rights with respect to it. In accordance with the Settlement Agreement, the class administrator shall mail the notice to the Class Members as expeditiously as

possible, but in no event later than March 20, 2017. All mailings shall be made to the present and/or last known mailing address of the Class Members. The claims administrator shall confirm, and if necessary, update the addresses for the Class Members through standard methodology that the class administrator currently uses to update addresses. I **AUTHORIZE** the proposed revised Notice of Class Action Settlement be mailed to the proposed class members.

4. Any Class Member who desires to be excluded from the class (“opt-out”) must send a written request for exclusion to the Court and the claims administrator in the form described in the Notice. Any Class Member who submits a valid and timely request for exclusion will not be bound by the terms of the Settlement Agreement.

5. Any Class Member who desires to object to final approval of the Settlement can send a written objection to the Clerk of Court, 156 Federal Street, Portland, ME 04101.

6. Any party to this case, including Class Members, may appear at the Final Fairness Hearing in person or by counsel, and may be heard to the extent allowed by the Court, in support of or in opposition to, the Court’s determination of the good faith, fairness, reasonableness and adequacy of the proposed Settlement and any Order of Final Approval and Judgment.

7. All briefs in support of the proposed Settlement shall be served and filed with the Court on or before May 31, 2017.

8. The final fairness hearing to consider the fairness, adequacy and reasonableness of the proposed Settlement shall be held on June 15, 2017 at 10:00 a.m. at the United States District Court for the District of Maine, Edward T. Gignoux U.S. Courthouse, 156 Federal Street, Portland, Maine 04101.

SO ORDERED.

/s/ Nancy Torresen
United States Chief District Judge

Dated this 1st day of March, 2017.