

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Elizabeth Moeller, *et al.*,

Plaintiffs,

Case No. 16-11367

v.

Judith E. Levy

United States District Judge

American Media Inc, *et al.*,

Mag. Judge Elizabeth A.

Defendants.

Stafford

_____ /

**ORDER DENYING ROBERT BROOKS' MOTION CERTIFYING
NOTICE OF FAULT/OPPORTUNITY TO CURE AND DEMAND
FOR RELIEF IN CONJUNCTION WITH ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION SETTLEMENT [51]**

On September 28, 2017, the Court entered an order approving of the class action settlement in this case. (ECF No. 42.) On May 28, 2020, Robert Brooks, who states that he is a member of the approved class in this case, filed a motion certifying notice of fault/opportunity to cure and demand for relief in conjunction with order granting final approval of class action settlement. (ECF No. 51.) In this motion, Brooks alleged that he had not received a settlement check despite having submitted a claim

form as a class member in this case. (*Id.* at PageID.919.) Brooks seeks payment of his alleged portion of the settlement in addition to interest as a result of Defendant American Media, Inc. (“AMI”) having allegedly engaged in fraud to avoid awarding Brooks under the class action settlement. (*Id.*)

On June 22, 2020, the Court entered an order requiring a response to Brooks’ motion. (ECF No. 52.) On July 22, 2020, Defendant AMI filed a response indicating that the claims administrator for this action, Kurtzman Carson Consultants LLC (“KCC”), had inadvertently omitted Brooks’ Michigan Department of Corrections (“MDOC”) number from the address on the envelope for Brooks’ settlement check. (ECF No. 53, PageID.922–923.) Defendant AMI notes that the check originally sent to Brooks had not been cashed and that the missing MDOC number was likely the reason that the check had not reached Brooks. (*Id.*) Defendant AMI alleges that it requested KCC to reissue a check to Brooks at the correct address, and that the check was set to reach Brooks “in a matter of weeks” as of July 22, 2020. (*Id.* at PageID.922.)

The Court has not been informed of any issues with regard to Brooks’ receipt of the newly issued settlement check in the approximately

seven months that have elapsed since Defendant AMI's response. Additionally, the Court finds that Brooks has provided no evidence in support of his allegation that Defendant AMI engaged in fraudulent behavior to purposely avoid payment of Brooks' settlement check.

For the reasons set forth above, the Court DENIES Brooks' motion certifying notice of fault/opportunity to cure and demand for relief in conjunction with order granting final approval of class action settlement.

IT IS SO ORDERED.

Dated: February 17, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 17, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager