

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARY CASEY, on behalf of herself and)
all others similarly situated,)

Plaintiff,)

v.)

COVENTRY HEALTHCARE)
OF KANSAS, INC.,)

Defendant.)

Case No. 08-00201-CV-W-DGK

ORDER

The Court has reviewed the Defendant’s objection to the final proposed notice and the Plaintiff’s response. Docs. 107, 112, 114. Defendant’s objection is hereby OVERRULED. Rule 23 requires the Court to provide “clearly and concisely...in plain, easily understood language...the class claims, issues, or defenses.” Fed. R. Civ. P. 23(c)(2)(B)(iii). The sort of complicated language the Defendant is requesting does not meet that requirement. The Court believes that the proposed notice as written is the best way to inform potential class members of the case and their rights. In light of the parties’ status report that the case has not settled, the Court will direct the class administrator to begin the notice process on Monday, January 24, 2011. The deadlines stated in the Court’s order of November 17 will otherwise remain in effect.

The Court notes that the Defendant also argues that the Court has not properly fulfilled the certification requirement to define the “class claims, issues, or defenses.” Fed. R. Civ. P. 23(c)(1)(B), Doc. 103 at 6. Defendant is directed to file a brief describing its proposed modifications to the class certification order on this issue by February 10, 2011.

IT IS SO ORDERED

Dated: January 24, 2011

/s/ Greg Kays

GREG KAYS,
UNITED STATES DISTRICT JUDGE