

FILED

MAY 08 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SETH KONECKY and JENNIFER
KONECKY, husband and wife,
FLATHEAD VALLEY DIST., INC., a
Montana Corporation, individually, and
on behalf of all others similarly
situated,

Plaintiffs,

vs.

ALLSTATE FIRE & CAS. INS. CO.,
ALLSTATE INDEM. CO.,
ALLSTATE PROP. & CAS. INS. CO.,
and ALLSTATE INS. CO.,

Defendants.

CV 17-10-M-DWM

ORDER

Before the Court is the parties' joint motion for leave to file a motion for reconsideration of the May 2, 2018 Order dismissing the class claims without prejudice and denying the Plaintiffs' motion to certify as moot. (Doc. 52.) The parties' Notice of Settlement (Doc. 50) did not specify that they had developed a proposed settlement agreement conditioned on class certification, notice to putative class members of the settlement terms and opt-out rights, and court approval. In short, the Notice did not explain that the parties seek to settle this putative class

action on a class basis, as the pending motion now makes clear. Therefore, the motion will be construed as the motion for reconsideration itself. *See* Local Rule 7.3. Accordingly,

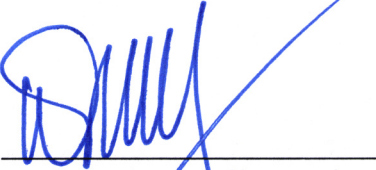
IT IS ORDERED that the motion (Doc. 52) is GRANTED.

IT IS FURTHER ORDERED that the May 2, 2018 Order (Doc. 51) is WITHDRAWN.

The parties indicate the proposed settlement of the class claims is distinct from the class certification requests presented by Plaintiffs' motion for certification. (Doc. 52 at 4 n. 1.) Accordingly, IT IS FURTHER ORDERED that the motion for class certification (Doc. 41) is once more DENIED as MOOT.

IT IS FURTHER ORDERED that, within 21 days from the date of this Order, the parties shall present the settlement documentation for Rule 23(e) consideration of whether the settlement should be preliminarily approved and presented by notice to a settlement class.

DATED this 8th day of May, 2018.



Donald W. Molloy, District Judge
United States District Court