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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Michael Reid, et al.,  
Plaintiffs,  
v.  
I.C. System Incorporated,  
Defendant.

No. CV-12-02661-PHX-ROS  
**ORDER**

In this suit, Plaintiff alleges he received automated calls on his cell phone from Defendant which continued after asking Defendant to stop, in violation of the Telephone Consumer Protection Act of 1990 (“TCPA”). (Doc. 1). On March 24, 2017, this Court preliminarily certified Plaintiff’s lawsuit as a class action for settlement purposes, appointed Plaintiff as class representative, and appointed class counsel. (Doc. 218).

Thereafter, the parties submitted a proposed preliminary schedule with mutually agreed upon deadlines for each event in the parties’ notice plan and an agreed-upon proposed informational statement to be used on websites, ads, and press releases (Doc. 227), as supplemented, (Doc. 229). The Court granted the parties’ proposed schedule and notices, subject to the Court’s revisions. (Doc. 230). Accordingly, the parties were to notify potential class members by publishing banner ads on targeted websites, issuing a press release, emailing potential class members, establishing a website, and establishing a toll-free number. (*Id.*). Notice was to be sent by November 27, 2017, the deadline to submit claims was February 8, 2018, the deadline to opt-out was February 19, 2018, and

1 the final approval hearing was set for March 27, 2018. (*Id.*).

2 Plaintiff, however, then moved this Court to extend the above-mentioned  
3 deadlines, explaining that, although the settlement website went live, a toll-free number  
4 was set up, and banner ads were published, the press release was not issued, and the  
5 email notices were not sent. (Doc. 232). Recognizing that the omitted forms of notice  
6 were essential to provide “individual notice to all members who can be identified through  
7 reasonable effort,” as required by Fed. R. Civ. P. 23(c)(2)(B), the Court agreed the  
8 deadlines would need to be extended. However, the Court denied Plaintiff’s motion for  
9 two reasons. First, Plaintiff did not explain how individuals who already received notice  
10 of the original deadlines, including those who already submitted claims, opted-out, or  
11 may plan to attend the currently scheduled March 27, 2018 final approval hearing, would  
12 be notified regarding the revised deadlines. Second, Plaintiff did not explain how the  
13 additional expenditures associated with republishing certain notices would be paid.  
14 Plaintiff was ordered to file a revised motion addressing these deficiencies.

15 On February 7, 2018, Plaintiff filed a revised proposal, which Defendant stated it  
16 neither endorsed nor opposed. (Doc. 235). Plaintiff’s proposal explains that Plaintiff will  
17 include the new dates on the website, email notice, press release, banner ads, claim form,  
18 and toll-free telephone line. In addition, those persons who saw the previously published  
19 notices and submitted a claims form will receive a personal telephone call informing  
20 them the final approval hearing has been continued.

21 Plaintiff’s proposal will be approved, subject to the following. If a person  
22 contacted by phone regarding the revised deadlines does not answer, they must receive a  
23 voicemail informing them, at minimum, that the message concerns the settlement they  
24 opted-into, that the final approval hearing has been reset to July 18, 2018, and that they  
25 may visit the website or call the toll free number for more information. Further, if any  
26 persons submitted claims forms but did not provide a current cellular telephone number,  
27 those persons must be sent a letter informing them of the same information.

28 Regarding costs, Plaintiff estimates these expenditures will cost an additional

1 \$36,000. Class counsel proposes these new fees be included in the costs of litigation.  
 2 Class counsel argues this is appropriate because, even with the additional expenses, the  
 3 total cost of litigation figure will still remain below the \$100,000 cost threshold  
 4 preliminarily approved by this Court. Plaintiff’s proposal will be denied. When the  
 5 Court preliminarily approved up to \$100,000 for litigation costs, the Court did so with the  
 6 understanding the fees would be used “for the reasonable costs of notice and settlement  
 7 administration.” The Court did not intend that class counsel would use these funds to  
 8 correct its own oversights and engage in duplicative efforts to notify class members.  
 9 Thus, the Court trusts that any excess costs stemming from these oversights will be borne  
 10 by counsel.<sup>1</sup>

11 Finally, the Court will modify the schedule as follows:

Event	Date Certain
Notice Deadline	March 2, 2018
Deadline to Submit Claims	May 25, 2018
Deadline to Submit Opt Out/Objection	June 8, 2018
Deadline to File Final Approval Motion	June 22, 2018
Final Approval Hearing	July 18, 2018

18 ... ..

19 ... ..

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22 Accordingly,

23 **IT IS ORDERED** subject to the above, the parties’ proposal, (Doc. 235), is  
 24 **APPROVED.**

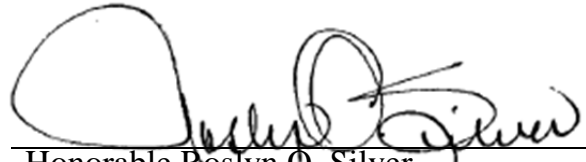
25 **IT IS FURTHER ORDERED** the final approval hearing currently set for

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 28 <sup>1</sup> In doing so, the Court also notes that class counsel has already requested \$725,000 in attorney’s fees, which class counsel argued is justified in light of their “effort, and skill.” (Doc. 231).

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March 27, 2018 is **VACATED** and **RESET** for July 18, 2018 at 1:00 PM.

Dated this 21st day of February, 2018.

A handwritten signature in black ink, appearing to read 'Roslyn O. Silver', written over a horizontal line.

Honorable Roslyn O. Silver  
Senior United States District Judge