

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

PHILIP AMOR, et al.)	CASE NO. CVCV75753
<i>Plaintiffs,</i>)	
)	ORDER <i>for</i>
vs.)	MODIFICATION <i>of</i>
)	CLASS CERTIFICATION
BRADFORD HOUSER, et al.)	
<i>Defendants.</i>)	

The Court has before it Plaintiffs' Consent Motion to Modify Class Certification, which is part of the proposed settlement of the instant action and the proposed Consent Decree, embodying the agreement of the parties to settle the instant action.

WHEREAS,

- A. Considering the Supreme Court's ruling in *Kline v. Southgate*, 895 N.W.2d 429 (Iowa 2017) which decertified a class similar to that in the instant case; and
- B. The parties have represented that class wide damages attributable to prohibited lease provisions are minimal; and
- C. Modifying the class to include current and future tenants and to injunctive and declaratory relief would provide a significant benefit to the modified class members.

This Court hereby **ORDERS** that:

- 1. The terms defined in the proposed Consent Decree are incorporated in this Order.
- 2. Pursuant to Iowa R. Civ. P. 1.265(1) the Court hereby modifies the Order of Certification entered in the instant case on April 24, 2014 as follows:

- a. The class shall consist of all current tenants of Landlord and future tenants of Landlord for the term of the Consent Decree;

- b. The relief shall be declaratory and injunctive for the specific issues described in the Consent Decree;

c. That Philip and Brittany Amor will be the Representative Parties for the class and Christopher Warnock shall continue as Class Counsel.

WHEREAS:

D. The membership of the previously certified class was uncertain making it difficult to determine who should be notified and;

E. Previous class members appear to have minimal damages and can still assert their individual claims and;

F. The use of judicial resources and costs to the parties of notification of determination and notification of the previous class are not commensurate with the benefit to the previous class of notification;

This Court **ORDERS:**

Pursuant to Iowa R. Civ. P. 1.265(2) no notification of the modification of the class is necessary for previous class members.



State of Iowa Courts

Type: OTHER ORDER

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ET AL

So Ordered

A handwritten signature in black ink that reads 'Carl D. Baker'. The signature is written in a cursive style and is positioned above a horizontal line.

Carl D. Baker, Senior Judge,
Sixth Judicial District of Iowa