

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

JOAN WALTON,
Plaintiff,

vs.

MARTIN GAFFEY,
Defendant.

)
) CASE NO. CVCV 076909
)
) ORDER GRANTING
) PRELIMINARY APPROVAL
) *of* SETTLEMENT
) *and* CLASS NOTIFICATION
) Assigned Chief Judge Grady

The Court has before it Plaintiff's Consent Motion for Preliminary Approval of Settlement and Class Notification as well as a proposed Consent Decree embodying the agreement of the parties to settle the instant action.

The Court, having considered the Plaintiff's Consent Motion for Preliminary Approval of Settlement and Class Notification as well as proposed Consent Decree, notices and forms in the instant case,

ORDERS that:

1. The terms defined in the proposed Consent Decree are incorporated in this Order.
2. The Court preliminarily approves the settlement as set forth in the Consent Decree, subject to the right to the right of any member of the class (as defined in the Consent Decree) to challenge the fairness, reasonableness or adequacy of the Consent Decree, to opt out form the Settlement, to present any opposition to the requests for attorneys' fees and to show cause, if any exists, why the instant case should not be dismissed as settled and compromised after due and adequate notice to the class as set forth in the Consent Decree and after a hearing on final approval.
3. The Court, having considered the notices and forms proposed by the parties finds the notices and forms fairly and adequately inform the members of the class

of their rights regarding the Consent Decree, including their right to opt out or object to the Consent Decree, to oppose the request for attorneys' fees, and to appear at the hearing for final approval of the Consent Decree. The Court finds that the form of notice and manner of notice are the best practicable means under the circumstances and fully satisfy the requirements of due process and the Iowa Rules of Civil Procedure.

4. The Court hereby orders that counsel for the parties confer, reach a mutual agreement with regard to notice via press release and that Class Counsel issue the press release to local media and file the press release with the Court within 30 days of this order.

5. Within 30 days of this order Class Counsel will publish the abbreviated publication following the procedures of Iowa R. Civ. P. 1.313.

6. The Court hereby schedules a fairness hearing to occur at **1:30pm** **October 4th, 2019**, at the Johnson County Courthouse, to determine whether:

(a) the proposed settlement, as set forth in the Consent Decree, should be finally approved as fair, reasonable and adequate pursuant to Iowa R. Civ. P. 1.271 and an Order of Approval be entered;

(b) whether attorney fees should be awarded to Class Counsel, as provided in the Consent Decree.

7. All pleadings by objectors to the Consent Decree and/or attorney fees and notice to appear at the fairness hearing shall be served on Class Counsel as set forth in the class notice twenty one days before the fairness hearing. All pleadings in support of the Consent Decree and/or the attorney fee award should be filed by fourteen days before the fairness hearing and Class Counsel shall file all pleadings timely served by objectors ten

days before the fairness hearing. Any pleadings in response to objections shall be filed seven days before the fairness hearing.

8. The Court may, for good cause, extend any of the deadlines set forth in the Order and/or adjourn the date of the hearing on final approval of the Consent Decree without further notice to members of the class.

IT IS SO ORDERED.



State of Iowa Courts

Type: OTHER ORDER

Case Number CVCV076909
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So Ordered

A handwritten signature in black ink, appearing to read "Patrick R. Grady". The signature is written in a cursive style and is positioned above a horizontal line.

Patrick R. Grady, Chief District Court Judge,
Sixth Judicial District of Iowa