

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN J. MARTIN, YAHMI NUNDLEY,
and KATHLEEN CADEAU,

Plaintiffs,

v.

Case Number 15-12838
Honorable David M. Lawson

TROTT LAW, P.C. and DAVID A. TROTT,

Defendants.

**ORDER AMENDING ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF CLASS SETTLEMENT
AND APPROVING CLASS NOTICE PROCEDURE**

This matter is before the Court on a request by the parties to amend the order preliminarily approving their proposed class settlement to extend certain deadlines and to add a class representative whose name was omitted from the order. The Court has reviewed the parties' request, which does not implicate any substantive provisions of the settlement agreement or the notice procedure, and the Court now finds that it should be granted under the circumstances.

Accordingly, it is **ORDERED** that the provisions of the Court's order granting the unopposed motion for preliminary approval of the proposed class settlement and class notice procedure are **AMENDED** as follows.

It is further **ORDERED** that plaintiffs Brian J. Martin, Yahmi Nundley, and Kathleen Cadeau are appointed as the class representatives.

It is further **ORDERED** that the defendants must make their deposits into the settlement fund **on or before July 13, 2018**.

It is further **ORDERED** that plaintiffs' counsel or their designated representative shall cause notice of the proposed settlement to be given to class members in the following manner:

(a) **On or before July 20, 2018**, a copy of the Notice of Class Action Settlement Agreement, substantially in the form attached as Exhibit 1-C of the plaintiff's unopposed motion for preliminary approval of class settlement and notice, must be mailed by first-class mail, with postage prepaid, to each class member. The class administrator shall ensure that the publication of internet advertisements and the creation of a claims website are accomplished by that same date.

(b) The notice to class members must explain that objections to, and requests to be excluded from, the class settlement must be filed with the Court and the parties' counsel **on or before September 3, 2018**.

It is further **ORDERED** that the notice of class settlement must inform the absent class members that Proofs of Claim and supporting documentation must be submitted **on or before September 3, 2018**. Proofs of Claim sent by mail shall be deemed submitted when postmarked if mailed by first class, registered or certified mail, postage prepaid, addressed in accordance with the instructions in the Proof of Claim. All other Proofs of Claim shall be deemed submitted at the time of actual receipt.

It is further **ORDERED** that any class member may appear at the settlement hearing and be heard to the extent allowed by this Court, either in support of or in opposition to the good faith, fairness, reasonableness, and adequacy of the proposed settlement or the plaintiffs' counsel's application for an award of attorney's fees, reimbursement of expenses, and an incentive award to each of the representative plaintiffs. However, no class member shall be entitled to be heard or entitled to contest the approval of the terms and conditions of the proposed settlement or the judgment to be entered pursuant thereto approving the same, or the plaintiffs' counsel's fee, expense and incentive award application, unless, **on or before September 3, 2018**, such person: (a) has filed with the Clerk of Court a notice of such person's intention to appear, together with a statement that indicates the basis for such opposition along with any supporting documentation, and (b) has served copies of such notice, statement, and documentation, together with copies of any other pleadings that

such person has filed with the Clerk of the Court and each parties' counsel at the following addresses:

Clerk of the Court
United States District Court
231 Lafayette Boulevard
Detroit, MI 48226
Re: Brian Martin, *et al.* v. Trott Law, P.C.
Case Number 15-12838

Counsel for the Plaintiffs

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Counsel for the Defendants

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Maddin Hauser
28400 Northwestern Highway, 2nd Floor
Southfield, MI 48034

Bruce L. Segal
Honigman & Miller
38500 N. Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304

Any class member who does not serve and file an objection to the proposed settlement of the litigation or the fee, expense and incentive award application, in the manner provided for herein, shall be deemed to have waived the right to object, including the right to appeal, and shall be forever foreclosed from making any objection to the settlement, the fee, expense and incentive award application, or to any order or judgment filed or entered thereon, as applicable. Counsel for the plaintiffs must notify all absent class members of this requirement.

It is further **ORDERED** that all other requirements and deadlines set by the Court's prior order preliminarily approving the settlement and class notice procedure remain in full force and effect.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 6, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 6, 2018.

s/Deborah Tofil
DEBORAH TOFIL