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

Charles Miller,  
Plaintiff,  
v.  
Trumbull Insurance Company,  
Defendant.

No. CV-22-01545-PHX-JJT  
**ORDER**

At issue is Plaintiff’s Motion (1) to Supplement the Order Preliminarily Approving the Class Settlement [ECF No. #52] and (2) for an Order Authorizing Revised Notice to the Class (Unopposed) (Doc. 64). Upon review and good cause appearing,

**IT IS HEREBY ORDERED** granting Plaintiff’s Motion (1) to Supplement the Order Preliminarily Approving the Class Settlement [ECF No. #52] and (2) for an Order Authorizing Revised Notice to the Class (Unopposed) (Doc. 64).

WHEREAS, the Court previously preliminarily approved the Settlement Agreement and certified the Settlement Class for settlement (Doc. 52);

WHEREAS, this Court has reviewed the Motion;

**IT IS FURTHER ORDERED:**

1. The Court approves the Settlement Addendum.
2. The Court approves the proposed form of revised notice (the “Notice”), attached as Exhibit A to the Settlement Addendum. The Court further adopts the proposed notice plan set forth in the Motion for Preliminary Approval (Doc. 51) and finds that the

1 content of the Revised Notice and proposed plan of notice, which includes direct mailed  
2 notice to the Class Members as well as email notice, where email addresses are available,  
3 meet the requirements of Rule 23 and due process, and are the best notice practicable under  
4 the circumstances and shall constitute due and sufficient notice to all persons entitled  
5 thereto.

6 3. The Court resets the Fairness Hearing, which shall be held before this Court  
7 on **April 18, 2025, at 9:00 AM**, at the United States District Court, Sandra Day O'Connor  
8 U.S. Courthouse, located in Courtroom 505, 5th Floor, 401 West Washington Street,  
9 Phoenix, AZ, 85003, to determine whether to approve certification of the class for  
10 settlement purposes; whether the proposed settlement of the Lawsuit on the terms and  
11 conditions provided for in the Settlement Agreement is fair, reasonable, and adequate to  
12 the Settlement Class and should be approved by the Court; whether a final judgment should  
13 be entered herein; whether the proposed plan of distribution should be approved; to  
14 determine the amount of fees and expenses that should be awarded to Class Counsel; and  
15 to determine the amount of the service award that should be provided to the Class  
16 Representative. The Court may reschedule the Fairness Hearing without further notice to  
17 the members of the Settlement Class.

18 4. Within thirty (30) days of the issuance of this Supplemental Preliminary  
19 Approval Order (the "Notice Date"), the Settlement Administrator shall mail the Revised  
20 Notice by first class U.S. mail to all Class Members for whom there is a valid mailing  
21 address, or whose mailing addresses can be identified with reasonable effort, and shall  
22 email the Revised Notice to all Class Members for whom an email address is available in  
23 Defendants records.

24 5. All Class Members who do not request exclusion from the Settlement  
25 ("Settlement Class Members") shall be bound by all determinations and judgments in the  
26 Lawsuit concerning the Settlement, whether favorable or unfavorable to the Settlement  
27 Class.

28 . . .

1           6. Any person who desires to request exclusion from the Settlement Class shall  
2 submit a request for exclusion. To be excluded from the Settlement, the exclusion request  
3 must be received no later than forty-five (45) days after the Revised Notice Date. Any  
4 request for exclusion must include:

- 5           a) Full name, address, and email of the Class Member;
- 6           b) The unique ID on the Settlement Class Member's Notice (if available);
- 7           c) The name of this case: *Charles Miller v. Trumbull Insurance Company,*  
8                 *et al.*, Case No. 22-cv-01545-JJT;
- 9           d) A clear statement indicating that the Class Member wishes to be excluded  
10                 from the Class; and
- 11           e) The Class Member's signature and date.

12 All persons who submit valid and timely requests for exclusion shall have no rights under  
13 the Settlement Agreement, shall not share in the distribution of the settlement funds, and  
14 shall not be bound by the final judgment relating to the Defendants entered in the litigation.

15           7. Any member of the Settlement Class who has not requested to be excluded  
16 may enter an appearance in the litigation, at his or her own expense, individually or through  
17 counsel of his or her own choice. If the member does not enter an appearance, he or she  
18 will be represented by Class Counsel.

19           8. Any member of the Settlement Class who has not requested to be excluded  
20 may, if desired, object, and show cause, if he or she has any reason, why the proposed  
21 Settlement should or should not be approved as fair, reasonable, and adequate; why a  
22 judgment should or should not be entered thereon; why the plan of distribution should or  
23 should not be approved; why attorneys' fees and expenses should or should not be awarded  
24 to Class Counsel; or why the service award should or should not be awarded to Class  
25 Representatives. Any objection must include the following:

- 26           a) Settlement Class Member's full name, address, telephone number, and  
27                 email;
- 28           b) The unique ID on the Settlement Class Member's Notice (if available);

- 1 c) The name of this case: *Charles Miller v. Trumbull Insurance Company,*  
2 *et al.*, Case No. 22-cv-01545-JJT;  
3 d) A statement of the objection(s), as well as the specific reasons for each  
4 objection, including any legal authority the individual wishes to bring to  
5 the Court's attention; and  
6 e) If you are represented by counsel, the name, address and phone number  
7 of your counsel.

8 If the Settlement Class Member plans to attend the Fairness Hearing, they must provide a  
9 Notice of Intent to Appear. In addition to the above elements required for any objection,  
10 the Notice of Intent to Appear must include:

- 11 a) A list of any witnesses they may call to testify at the hearing;  
12 b) Copies of any documents they may use as evidence in support of their  
13 objection;  
14 c) A list of any prior class action cases in which they have filed an objection.

15 All objections must be submitted to the Court either by mailing them to the Clerk of the  
16 Court, United States District Court for the District of Arizona, with a copy mailed to Class  
17 Counsel and Defendants' Counsel at the addresses listed below, or by filing them at any  
18 location of the United States District Court for the District of Arizona. All objections must  
19 be either filed or received (not post-marked) on or before forty-five (45) days after the  
20 Notice Date.

21 **Court:**

22 Clerk of the Court  
23 United States District Court  
24 for the District of Arizona  
401 W. Washington Street  
Phoenix, AZ 85003

21 **Class Counsel:**

22 Robert B. Carey  
23 HAGENS BERMAN SOBOL SHAPIRO LLP  
24 11 W. Jefferson Street, Suite 1000  
Phoenix, AZ 85003

25 **Defendants' Counsel:**

26 Kim E. Rinehart  
27 Wiggin and Dana LLP  
28 265 Church Street  
PO Box 1832  
New Haven, CT 06510-1832

1           9. Plaintiff's motion for final approval, which shall include all papers in support  
2 of the Settlement and responses by Class Counsel regarding any objections and/or requests  
3 for exclusions, shall be filed and served at least fourteen (14) days before the final Fairness  
4 Hearing.

5           10. Upon a showing of good cause, the Court may extend any of the deadlines  
6 set forth in this Order without further notice to the Settlement Class.

7           11. For the benefit of the Class Members and to protect this Court's jurisdiction,  
8 this Court retains continuing jurisdiction over the Settlement proceedings to ensure the  
9 effectuation thereof in accordance with the Settlement preliminarily approved herein and  
10 the related orders of this Court.

11           12. Class Counsel and Defendants' Counsel are hereby authorized to use all  
12 reasonable procedures in connection with approval and administration of the Settlement  
13 that are not materially inconsistent with the Preliminary Approval Order, Settlement  
14 Agreement, or this Order, including making, without the Court's further approval, minor  
15 form or content changes to the Revised Notice they jointly agree are reasonable or  
16 necessary.

17           13. All other provisions of the Preliminary Approval Order remain in effect.

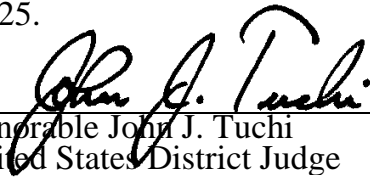
18           14. The Court hereby sets the following schedule of events:

#	Action	Deadline
1	Deadline for Claims Administrator to mail Revised Notice	Thirty (30) days after Preliminary Approval of the Settlement
2	Deadline for Class Members to opt-out of the Settlement	Forty-five (45) days after mailing of the Notice
3	Deadline for Class Members to object to Settlement	Forty-five (45) days after mailing of the Notice
4	Deadline to Supplement Motion for Attorney's Fees and Costs (ECF No. 54)	Fourteen (14) days before the Final Approval Hearing
5	Deadline for Motion for Final Approval of Settlement	Fourteen (14) days before the Final Approval Hearing

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6	Final Approval Hearing	April 18, 2025 at 9:00 AM (Arizona time)
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Dated this 17th day of January, 2025.

  
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Honorable John J. Tuchi  
United States District Judge