

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

**JOSH NOLEN, on behalf of himself and all  
others similarly situated,**

**Plaintiffs,**

**v.**

**FIREBIRD OF OVERLAND PARK L.L.C., et  
al.,**

**Defendants.**

**Case No. 2:17-CV-02237-HLT**

**ORDER**

Plaintiffs move for preliminary approval of class settlement (Doc. 64). The Court, having carefully reviewed the proposed Class Action Settlement Agreement (“Settlement Agreement”), and the Unopposed Motion in Support, finds as a preliminary matter that the Settlement Agreement is a fair, adequate, and reasonable resolution of a bona fide dispute in contested litigation. The Court further finds that the classes as defined in the Settlement Agreement should be certified for the purposes of settlement. Because the Court, at this state, finds that the settlement is fair, adequate, and reasonable and finds that class certification for the purposes of settlement is appropriate, the Court grant the motion.

THE COURT THEREFORE ORDERS that Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement, for Certification of Class Settlement, and for Permission to Disseminate Notice (Doc. 64) is GRANTED.

THE COURT FURTHER ORDERS that Joshua Nolen is appointed as Class Representative.

THE COURT FURTHER ORDERS that The Hodgson Law Firm, L.L.C. and The Law Offices of Phillip Murphy are appointed as Class Counsel.

THE COURT FURTHER ORDERS that the Parties are directed to proceed with the administration of the settlement as provided by the terms of the Settlement Agreement and in particular:

1. The parties shall provide all necessary information to the Third Party Administrator;
2. The Third Party Administrator shall disseminate Notice to the class in substantially the same format as provided to this Court and attached to Plaintiffs' motion;
3. The Notice Period shall close sixty days after the mailing of notice. All requests for exclusion, objections, and claim forms must be postmarked or returned by this date;
4. Class Counsel shall file their motion for final settlement approval within 28 days of the close of the notice period; and
5. The Court will hold its final approval hearing on May 15, 2019, at 9:30 a.m.

IT IS SO ORDERED.

Dated: January 3, 2019

/s/ Holly L. Teeter  
HOLLY L. TEETER  
UNITED STATES DISTRICT JUDGE