

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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JUDY LARSON, et al.,		:	
		:	
Plaintiffs,		:	
v.		:	CIVIL ACTION NO. 07-5325 (JLL)
		:	
SPRINT NEXTEL CORPORATION, et al.,		:	
		:	
Defendants.		:	ORDER
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LINARES, District Judge.

On April 30, 2009, this Court denied without prejudice final approval to the settlement in this action and ordering the settling parties to submit within 21 days a new Rule 23(c)(2)-complaint individual notice plan. (Docket Entry Nos. 321, 322.) On May 21, 2009, Class Counsel and Sprint proposed a new notice plan that meets the individual notice requirements of Rule 23 and that comports with the language and findings of this Court’s previous opinion.

In short, Sprint and Class Counsel propose the following: (1) insert a new two-sided notice (“Bill Insert”) into each current Sprint customer’s bill for a full one-month billing cycle; (2) provide a brief bill message in the “Sprint News and Notices” box of the bill directing customers to look at the Bill Insert; (3) provide individual postcard notice by direct mail to – (i) the 194,461 members of the Robertson class for whom Sprint has contact information; (ii) the 34,760 subscribers identified through records of the Sprint Executive and Regulatory Services department; (iii) the 17,093 customers identified through Sprint’s Quality Assurance Program;

(iv) the 848 subscribers identified through Sprint email addresses; (v) the 38,000 subscribers identified through data sampling conducted in connection with the Smith et al v. Sprint Spectrum, L.P. (JAMS Case No. 1220034325) arbitration; and (vi) 413 customers identified by the Minnesota Attorney General in connection with a separate lawsuit brought in Minnesota. Both the Bill Insert and the postcard contain all of the information required by Rule 23(c)(2)(B)(i)-(vii) and comply fully with Rule 23(e).

Additionally, the Court is satisfied – upon examining the Declaration of Scott Rice, Sprint’s Vice-President of Customer Billing Services – that it would be unreasonable to require Sprint to engage in further efforts to individually identify additional class members. The time, cost, and effort associated with poring through and analyzing the various Sprint databases are not reasonable, and the Court finds that individual notice, as outlined above, is sufficient to satisfy Rule 23. Thus, the new individual notice plan is approved in full.

Finally, the following schedule shall govern the dates leading up to, and including, the fairness hearing:

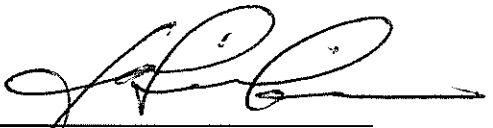
- October 7, 2009: Deadline for any member of the settlement class to submit a valid Request for Exclusion.
- October 7, 2009: Deadline for any member of the settlement class who does not submit a request for exclusion to file specific objections to the settlement. If the objector is simply repeating an objection he/she lodged at the first fairness hearing in this matter, the Court requires nothing more than a short statement re-alleging the objection. Additionally, all objectors who plan on speaking at the fairness hearing shall say so in writing. However, the Court will not allow objectors to repeat arguments made at the first fairness hearing.
- October 7, 2009: the Settlement Administrator shall deliver to Class Counsel, who shall then file with the Court, a report stating the total number of timely and valid requests for exclusion from the settlement class

- October 14, 2009: Class Counsel and Sprint shall file with the Court any memoranda or other materials in support of Final Approval of the Settlement Agreement.
- October 14, 2009: All counsel seeking fees shall file a motion for fees by this date. Any fee application not filed by October 16, 2009 is deemed to be waived.
- October 19, 2009: Deadline for objections or opposition solely to the fee applications.
- October 21, 2009, at 10 AM: Final approval hearing.

ACCORDINGLY, IT IS on this 2nd day of June, 2009,

ORDERED that the amended notice plan, as submitted on May 21, 2009 and outline above, is adopted as Rule 23-compliant; and it is further

ORDERED that the settling parties and objectors shall adhere to all deadlines as set forth above.



Jose L. Linares
United States District Judge