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Sixth Judicial District, Bannock County  
Jason Dixon, Clerk of the Court  
By: Deputy Clerk - Holm, Karla

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Attorneys for Plaintiffs

DISTRICT COURT, SIXTH JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF BANNOCK

RICKY G. & LOGAN D ROBINSON  
HILL-VIEW MOBILE HOME PARKS, on  
behalf of itself and all others similarly  
situated, ED QUINN, on behalf of himself  
and all others similarly situated,

Plaintiffs,

vs.

CITY OF POCA TELLO, an Idaho  
municipality,

Defendant.

Case No.: CV-2014-1520-OC

ORDER (1) GRANTING  
PRELIMINARY APPROVAL OF  
PROPOSED SETTLEMENT  
AGREEMENT AND (2) APPROVING  
THE NOTICE PLAN AND FORM OF  
NOTICE AND DIRECTING NOTICE TO  
THE CLASS

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Based on the Court's review of the proposed Settlement Agreement between the parties and the Motion for Preliminary Approval of the Proposed Settlement Agreement and supporting papers, the Court finds as follows:

Order (1) Granting Preliminary Approval of the Proposed Settlement Agreement and (2) Approving the Notice Plan and Form of Notice and Directing Notice to the Class - 1

## **PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT**

1. The motion of the Plaintiffs for preliminary approval of the proposed settlement agreement with the Defendant, which the Defendant does not oppose, is hereby GRANTED.

2. The Court finds that the proposed settlement, as set forth in the Settlement Agreement, subject to final determination following implementation of the plan for notice described below and a fairness hearing, falls within the range of possible approval and is sufficiently fair, reasonable and adequate to the Settlement Class certified.

## **RATIFICATION OF STIPULATION REGARDING CLASS CERTIFICATION**

3. On May 18, 2018, the Court granted the Plaintiffs' Motion for Class Certification subject to subsequent findings by the Court.

4. The Court ratifies and certifies the Class as set forth in the Stipulation and Settlement Agreement as follows:

- a. All persons and entities who, between April 14, 2012 and April 14, 2014, paid user fees to the City of Pocatello that contained a PILOT component.

5. The Court finds that the Class as set forth in the Stipulation and Settlement Agreement fully complies with the requirements of Idaho Rule of Civil Procedure 77. Specifically, the Court finds that the Class: (1) is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the Class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the Class; and (4) the representative parties will fairly and adequately protect the interests of the class. Additionally, for purposes of settlement, the Court finds that Idaho Rule of Civil Procedure 77 (b)(3) is also met and that there are questions of law or fact common to class members

which predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

#### **NOTICE PLAN AND FORM OF NOTICE**

6. The proposed plan for and manner of dissemination of Notice and the forms of Notice of the Settlement Agreement between the Plaintiffs and Defendant as set forth in the submissions, are hereby APPROVED:

- a. The Notice Plan proposed by the Plaintiffs and described herein, which includes Direct Mail Notice, Publication Notice, and information provided on the internet, constitutes the “best notice that is practicable under the circumstances” and is “reasonable” as required by Idaho Rule of Civil Procedure 77(c)(2)(B) and (e)(2).
- b. The Notices are clear, concise, and employ “plain, easily understood language,” and include all necessary information as required by Idaho Rule of Civil Procedure 77(c)(2)(B).

7. On or about July 27, 2019, the Defendant shall send notice to all individuals and entities who are not excluded from the Settlement and who currently receive utility services from the City of Pocatello (Direct Mail Notice). The notice shall be in substantially the same format and with substantially the same content as that attached as Exhibit E to the Gaffney Declaration.

8. On or about July 27, 2019, the City of Pocatello shall publish on its website the Notices and Settlement Agreement itself with other appropriate court documents relating to the Proposed Settlement (Internet Notice).

9. During the period from July 27, 2019 and August 27, 2019, the specific date of publication to be determined by the parties as publication schedules permit, the parties shall publish notice (Publication Notice) in substantially the same format as attached to Exhibit D of the Gaffney Declaration, in *The Idaho State Journal*.

10. The Plaintiffs shall insert the date for the Fairness Hearing set forth in this Order into the Notices identified above prior to issuance.

11. On or before September 9, 2019, the Plaintiffs and Defendant shall file an affidavit detailing the process engaged in to effectuate the Notice Plan, and confirm that the requirements regarding the Direct Mail Notice, the Publication Notice, and Internet Notice, have been carried out in accordance with this Order.

12. The Motion for Attorney's Fees and Costs shall be posted on the City of Pocatello's website, [www.pocatello.us](http://www.pocatello.us).

### **SIGNIFICANT DATES**

The following deadlines apply:

13. **Requests for Exclusion from the Proposed Settlement:** Requests for exclusion from the Proposed Settlement must be sent to Plaintiffs' and Defendant's counsel via first-class mail postmarked or hand delivered on or before August 28, 2019.

14. **Objections to Proposed Settlement:** Objections to the Proposed Settlement must be sent to the Court, Class Counsel, and Counsel for the Defendant, as provided in the Notices, via first-class mail postmarked on or before September 3, 2019.

15. **Plaintiffs' Motion for Final Approval:** Plaintiffs shall file their Motion for Final Approval of the Settlement Agreement on or before September 3, 2019.

**16. Fairness Hearing:** The Court will hold a hearing regarding the fairness and adequacy of the Proposed Settlement Agreement scheduled for September 16, 2019 at 2:00 p.m., Bannock County Courthouse, State of Idaho, 624 E. Center, Pocatello, Idaho 83201. The date, time, and location of this hearing are subject to change, and Class members are advised to check [www.pocatello.us](http://www.pocatello.us) for any updates.

**17. Plaintiffs' Motion for Attorney Fees and Costs:** The Court will hold a hearing regarding Plaintiffs' Motion for Attorney Fees and Costs scheduled for October 15, 2019 at 2:00 p.m. Bannock County Courthouse, State of Idaho, 624 E. Center, Pocatello, Idaho 83201. The date, time, and location of this hearing are subject to change, and Class members are advised to check [www.pocatello.us](http://www.pocatello.us) for any updates.

**SO ORDERED.**

DATED: \_\_\_\_\_

Signed: 7/5/2019 06:07 PM



Hon. Stephen Dunn  
District Judge

**CLERK'S NOTICE OF ENTRY**

I certify that on Signed: 7/8/2019 08:22 AM \_\_\_\_\_, I served a true and correct copy of the *Order*

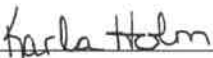
*(1) Granting Preliminary Approval of the Proposed Settlement Agreement and (2)*

*Approving the Notice Plan and Form of Notice and Directing Notice to the Class upon the following through iCourt services:*

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Clerk of the Court