

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WILLIAM F. TURNER, on behalf of
himself and all others similarly
situated,

Plaintiff,

vs.

Case No. 2:05-cv-186-FtM-33DNF

GENERAL ELECTRIC CO.,

Defendant.

ORDER

This matter comes before the Court sua sponte. Counsel for Plaintiff in this cause informed the Court that this putative class action has settled.¹ The parties are directed to file a copy of the proposed settlement agreement forthwith. In addition, the parties are directed to file a proposed order which addresses the

¹ This Court notes that, while Plaintiff has filed a Class Action Complaint (Doc. # 1), an Amended Class Action Complaint (Doc. # 18), and a Second Amended Class Action Complaint (Doc. # 31), this Court has yet to officially grant class certification. This issue is addressed in Section 23.132 of the Manual for Complex Litigation 4th, as follows:

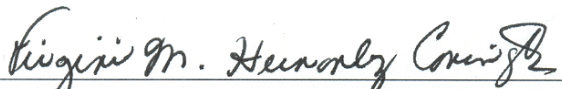
Parties frequently settle before the judge has decided whether to certify a class. Some settle before a motion to certify or even a class action complaint has been filed. Such settlements typically stipulate that the court may certify a class as defined in the agreement, but only for the purpose of settlement. When a case settles as a class action before certification, the parties must present the court a plan for notifying the class, and if Rule 23(b)(3) applies, providing an opportunity to opt out, along with motions for certification and preliminary approval of the settlement.

fairness, reasonableness, and adequacy of the proposed class settlement pursuant to Federal Rule of Civil Procedure 23(a). The proposed order shall discuss issues of class certification as well as any other pertinent issues counsel would like to present to the Court. The parties are further directed to propose a manner of providing notice to the class. The parties should also propose a date for the final fairness hearing.²

ORDERED, ADJUDGED, and DECREED:

1. The parties are directed to file the proposed settlement document as well as a proposed order as described above.

DONE and ORDERED in Chambers in Ft. Myers, Florida, this 21st day of November, 2005.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record

²The parties shall submit the requested proposed order in Word Perfect form as an attachment to an e-mail sent to the following address: Chambers_FLMD_Covington@flmd.uscourts.gov.