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9
                    UNITED STATES DISTRICT COURT
10
                    FOR THE DISTRICT OF ARIZONA
11

12 | Charles Miller, | Case No. 2:22-cv-01545-JJT |
    | --- | --- |
13 | | |
    | Plaintiff, | |
14 | | **JOINT MOTION TO ISSUE** |
    | v. | **ADDENDUM TO FINAL APPROVAL** |
15 | | **ORDER** |
16 | Trumbull Insurance Company, Hartford | |
    | Insurance Company of the Southeast, Twin | |
17 | City Fire Insurance Company, Hartford | (Assigned to the Honorable John J. Tuchi) |
    | Underwriters Insurance Company, and | |
18 | Hartford Insurance Company of the | |
    | Midwest, | |
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    | Defendants. | |
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1   The Parties respectfully move the Court to issue an addendum to the Final

2   Approval Order to clarify how the Settlement Administrator's ("Epiq") administration

3   costs related to resolving the Medicare and Medicaid liens are paid and to authorize the

4   Settlement Administrator to make two disbursements, the first for Class Members who do

5   not have liens and the second for Class Members who have liens.

6   To resolve the Medicare and Medicaid liens on behalf of the Class, the first step is

7   to determine which of the Class Members have such liens. This will involve an initial fee

8   that will be assessed by Epiq that is the same for every Class Member, meaning that it is

9   a set amount to be assessed against the entire Class. However, once there is a

10   determination that some Class Members have liens, there will be additional fees to

11   resolve those liens before payment can be made to affected Class Members. But for the

12   Class Members who do not have liens, there are no additional administrative fees

13   associated with lien resolution. The Court approved the Settlement Administrator's

14   "reasonable and necessary administrative costs" and that those costs would be paid from

15   the settlement fund prior to Class Members receiving their disbursements. ECF No. 75 ¶

16   15. Rather than assess the additional fees associated with resolving liens for those Class

17   Members that have liens across the entire Class, the parties agree that it would be most

18   equitable for the administrative lien fees to be paid by the Class Members who are

19   incurring those fees. Additionally, given the extra time required to resolve the Medicare

20   and Medicaid liens, the parties agree that the Class Members who do not have liens

21   should not have to wait on lien resolution to receive their allocation. The parties therefore

22   request that the Court clarify that Epiq may make two disbursements, one for Class

23   Members without any liens and one for Class Members who have Medicare and/or

24   Medicaid liens.

25   **CONCLUSION**

26   For the foregoing reasons, the Parties respectfully request that the Court issue an

27   Addendum to the Final Approval Order to clarify that:

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JOINT MOTION TO MODIFY FINAL APPROVAL ORDER

- The Settlement Administrator's costs to determine which Class Members have Medicare and Medicaid liens shall be paid out of the Settlement Fund, along with the Settlement Administrator's other reasonable general administration costs, prior to any further distribution to Class Members.

- The Settlement Administrator's costs to resolve the individual Medicare and Medicaid liens applicable to certain Class Members will be deducted from each such Class Member's allocation.

- No later than thirty (30) days after determining which Class Members have Medicare and Medicaid liens, the Settlement Administrator shall make a final disbursement to the Class Members who do not have a Medicare or Medicaid lien.

- No later than thirty (30) days after the resolution of all Medicare and Medicaid liens, the Settlement Administrator shall make a final disbursement to the remaining Class Members.

JOINT MOTION TO MODIFY FINAL APPROVAL ORDER

1   Dated: October 14, 2025   Respectfully submitted by,

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3   HAGENS BERMAN SOBOL SHAPIRO LLP

4   By: *s/ Robert B. Carey*
                                                Robert B. Carey
5   John M. DeStefano
                                                Michella Kras
6

7   THE SLAVICEK LAW FIRM
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8   James Fucetola
                                                Justin Henry
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10   *Attorneys for Plaintiff*

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12   WIGGIN AND DANA LLP

13   By: *s/ Kim E. Rinehart*
                                                Kim E. Rinehart (admitted *pro hac vice*)
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15   JONES, SKELTON & HOCHULI, P.L.C.
                                                Josh Snell
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17   *Attorneys for Defendant*

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JOINT MOTION TO MODIFY FINAL APPROVAL ORDER

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

11   Charles Miller,

Case No. 2:22-cv-01545-JJT

12   Plaintiff,

13   v.

**[PROPOSED] ORDER RE JOINT
MOTION TO ISSUE ADDENDUM TO
FINAL APPROVAL ORDER**

14

15   Trumbull Insurance Company, Hartford
Insurance Company of the Southeast, Twin
City Fire Insurance Company, Hartford
16   Underwriters Insurance Company, and
Hartford Insurance Company of the
17   Midwest,

(Assigned to the Honorable John J. Tuchi)

18   Defendants.

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Before the Court is the Joint Motion to Issue Addendum to Final Approval Order (the "Motion"). The Court hereby grants the Motion. Accordingly,

IT IS ORDERED as follows:

An Addendum to the Final Approval Order shall be issued to clarify that:

- The Settlement Administrator's costs to determine which Class Members have Medicare and Medicaid liens shall be paid out of the Settlement Fund, along with the Settlement Administrator's other reasonable general administration costs, prior to any further distribution to Class Members.

- The Settlement Administrator's costs to resolve the individual Medicare and Medicaid liens applicable to certain Class Members will be deducted from each such Class Member's allocation.

- No later than thirty (30) days after determining which Class Members have Medicare and Medicaid liens, the Settlement Administrator shall make a final disbursement to the Class Members who do not have a Medicare or Medicaid lien.

- No later than thirty (30) days after the resolution of all Medicare and Medicaid liens, the Settlement Administrator shall make a final disbursement to the remaining Class Members.

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