

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL YELAPI, *et al*,

Plaintiffs,

v.

CASE NO.: 8:01-cv-787-T-MAP

HEALTHSOUTH CORPORATION., *et al*.,

Defendants.

ORDER

Before the Court is the parties' Joint Proposed Plan for Class Notice and Fairness Hearings (doc. 166) and Amended Class Notice (Ex. A to doc. 175). After reviewing the plan, it is ORDERED that the motion is GRANTED to the extent that:

(1) The court orders:

- (a) The national publication of the Amended Class Notice (Ex. A to doc. 175) for two consecutive or nonconsecutive weeks in the Legal Notices section of the *Wall Street Journal*. The first day of publication shall occur on or before May 12, 2016.
- (b) Publication on the website to which the Amended Class Notice refers, <http://www.hscsettlement.com> ("the website"), containing more detailed information, including a brief summary of this action and the Procedural Settlement and Consent Decree; the ACR for each facility listed in the Class Notice; the date of the scheduled hearing; copies of all relevant documents, including the Procedural Settlement and Consent Decree; the procedure for

objections contained in this Order; and contact information for class counsel, the court, and special master. The website publication shall occur before the date of publication in the *Wall Street Journal*.

(c) Posting of the Amended Class Notice at the facilities listed in the Class Notice on or before May 12, 2016.

(2) For the reasons stated in the parties' Joint Proposed Plan for Class Notice and Fairness Hearings, the Court finds that the national publication of the Amended Class Notice, placement of the Amended Class Notice on the website, and posting of the Amended Class Notice at the facilities satisfies the requirements of due process and Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure.

(3) A fairness hearing pursuant to Federal Rule of Civil Procedure 23(e) shall be held before me on July 11, 2016 at 11:00 a.m. in Courtroom 11B at the Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602.

(4) Class members shall have until and including June 11, 2016, to object to any Accessibility Compliance Reports ("ACR"). To object to an ACR, a class member must file a written objection with the court and serve parties' counsel. Class members may not participate or present objections at any fairness hearing unless they have filed a written objection. The written objection must include:

- (a) A written notice of an intention to appear;
- (b) A written statement of such person's specific objection to the ACR; and
- (c) All papers, briefs or other documents that such person wishes the court to consider.

(5) Any person objecting to the notice that wishes to appear by telephone¹ shall follow these instructions:

(a) Prior to the start time of your hearing, call AT&T Toll Free Meeting Number, **1-888-684-8852**.

(b) Enter the **Access Code, 7593847 followed by the # key**. You will be asked to press the **# key** once again to join the conference as a participant, and then placed on hold until the Court Host activates the conference call.

(c) You will be asked to enter the **Security Code, 0100787 followed by the # key**. The system will confirm the number entered, and ask you to either accept (press 1) or re-enter (press 2). All participants must enter the security code followed by the **# key** and accept (press 1) to be entered into the conference call. The security code needs to be entered only once unless it is entered incorrectly the first time.

DONE and ORDERED in Tampa, Florida on February 25, 2016.



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE

¹ The parties must appear in person.