

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

NOV 13 2018

Clerk, U.S. District Court  
District Of Montana  
Missoula

SETH KONECKY and JENNIFER  
KONECKY, husband and wife,  
FLATHEAD VALLEY DIST., INC., a  
Montana Corporation, individually, and  
on behalf of all others similarly  
situated,

Plaintiffs,

vs.

ALLSTATE FIRE & CAS. INS. CO.,  
ALLSTATE INDEM. CO.,  
ALLSTATE PROP. & CAS. INS. CO.,  
ALLSTATE INS. CO., and  
ENCOMPASS INDEM. CO.,

Defendants.

CV 17-10-M-DWM

ORDER

On September 28, 2018, the Court granted preliminary approval to the parties' class settlement. (Doc. 61.) The parties now jointly move the Court to amend the preliminary approval order. (Doc. 64.) The reason for the motion is that subrogation recoveries have exceeded the projections on which the settlement was based, and the settlement must be adjusted accordingly. Having determined that the adjustments are consistent with the parties' settlement intent and the reasons for granting preliminary approval,

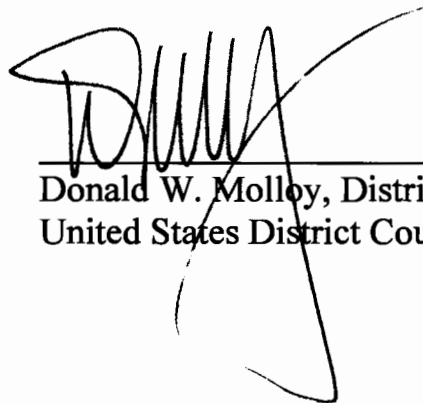
IT IS ORDERED that the motion (Doc. 64) is GRANTED. The preliminary approval order (Doc. 61) is amended as follows:

1. The total amount of the subrogation is \$3,720,000.00.
2. The total amount of the settlement is a \$2,673,500.00 lump sum payment.

IT IS FURTHER ORDERED that Counsel shall adjust the above amounts, and any corresponding amounts, including but not limited to attorneys' fees in the amount of 25% of the settlement fund, in the same proportion with the exception that the class representative fee amounts will not change. Counsel shall update the class notice, the stipulation of settlement, and any attachments to conform to this Order.

The September 28, 2018 Order (Doc. 61) remains in full force and effect in all other respects.

DATED this 13<sup>th</sup> day of November, 2018.

  
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Donald W. Molloy, District Judge  
United States District Court