

Judah M. Gersh
Brian M. Joos
VISCOMI, GERSH, SIMPSON & JOOS, PLLP
121 Wisconsin Avenue
Whitefish, MT 59937
(406) 862-7800
gersh@bigskyattorneys.com
joos@bigskyattorneys.com

Alan J. Lerner
LERNER LAW FIRM
P.O. Box 1158
Kalispell, MT 59903-1158
lerner@lernerlawmt.com

Allan M. McGarvey
McGARVEY, HEBERLING, SULLIVAN & LACEY, P.C.
345 1st Avenue E
Kalispell, MT 59901
amcgarvey@mcgarveylaw.com
Attorneys for Plaintiffs

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

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

Plaintiffs,

vs.

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

Defendants

Case No. CV-17-10-M-DWM

**UNOPPOED MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

COME NOW Plaintiffs and class representatives Jennifer and Seth Konecky and present this unopposed motion for final resolution of this class action. Plaintiffs request that the Court:

- (a) Grant final certification to the Settlement Class.
- (b) Approve the Stipulation of Settlement and all terms of the settlement embodied therein as fair, reasonable and adequate and in the best interests of the Class;
- (c) Rule that the form of the Notice as set forth in the Settlement Stipulation and implementation of the Notice plan as approved by this Court's September 18, 2018, Order of Preliminary Approval has been accomplished in a manner that is both reasonable and the best practical under the circumstances, that the Notice is reasonably calculated to apprise the Class Members of the pendency of this case, and of the right to object or opt out of the Settlement, and that this Notice constitutes due, adequate, and sufficient notice to all Persons entitled to receive Notice and the requirements of due process under the United States Constitution;
- (d) Rule that any potential Class Member who has not submitted a timely written request for exclusion will be bound by all proceedings, orders, and judgments in the case.
- (e) Assess against the class recovery, attorney fees, costs, litigation expenses, costs of adjustment and costs of administration and, approve the class

Allan M. McGarvey, Esq.
McGarvey, Heberling, Sullivan & Lacey, PC
345 1st Avenue East
Kalispell, MT 59901

Alan J. Lerner
Lerner Law Firm
P.O. Box 1158
Kalispell, MT 59903

Attorneys for Plaintiffs