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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
ENCOMPASS INDEM. CO.,

Defendants

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

**JOINT MOTION TO AMEND
PRELIMINARY APPROVAL
ORDER**

Come now the parties, and hereby make this joint motion to amend the Court's Preliminary Approval Order (Doc. 61, as previously amended by Doc. 63).

Because the settlement reached in this case as described in the motion for preliminary approval and stipulation of settlement must be changed to reflect subrogation recoveries that exceeded the projections on which the settlement was based, and because counsel for the class and for the defendants are in agreement as to the adjustments necessary to give effect to the agreement, the parties jointly present this motion for an order amending this Court's Preliminary Approval Order as follows:

1. The total amount of the subrogation should be adjusted to be \$3,720,000.00.
2. The total amount of the settlement should be adjusted to be a \$2,673,500.00 lump sum payment.
3. The above numbers and all corresponding numbers, including but not limited to attorney's fees in the amount of 25% of the settlement fund, will be adjusted to conform in the same proportion with the exception that the class representative fee amounts will not change.
4. The references in the class notice (e.g. in paragraphs 3 and 9) and in the stipulation of settlement and attachments should be changed to conform to the above described adjustments

5. In all other respects the proposed settlement and order of preliminary approval should remain the same.

DATED this 8th day of November, 2018

MCGARVEY, HEBERLING, SULLIVAN & LACEY

By: /s/ Allan McGarvey
Allan McGarvey

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