

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

HEATHER ROLL; DAVID K.  
RONAN; and COLLEEN RONAN,

Plaintiffs,

v.

Case No. 6:20-cv-212-RBD-EJK

ENHANCED RECOVERY  
COMPANY, LLC; and UNITED  
HEALTHCARE SERVICES, INC.,

Defendants.

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**PRELIMINARY APPROVAL ORDER**

Before the Court are:

1. The parties' Renewed Joint Motion for Preliminary Approval of Class Action Settlement (Doc. 63 ("Motion"));
2. Joint Notice of Submission of Notice of Proposed Class Action Settlement and Proposed Final Approval Schedule (Doc. 65 ("Notice")); and
3. U.S. Magistrate Judge Embry J. Kidd's Report and Recommendation (Doc. 66 ("R&R")).

In this ERISA putative class action, Judge Kidd recommends granting the

Motion, certifying the class, approving the settlement, approving the Notice with some amendments, and setting a fairness hearing. (Doc. 66; *see* Docs. 63-4, 65-1.)

The parties filed a Joint Notice of No Objection (Doc. 67), so the Court examines the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted.<sup>1</sup>

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 66) is **ADOPTED, CONFIRMED**, and made a part of this Order in its entirety.
2. The Motion (Doc. 63) is **GRANTED**.
3. The following class is **PROVISIONALLY CERTIFIED** for the purposes of this settlement only:  
  
All participants and beneficiaries in the Defendant's Health Plan at Defendant's Melbourne, Florida facility who were not sent a timely COBRA notice by Defendant during the applicable statute of limitations period as a result of a qualifying event, as determined by Defendant.
4. The Class Action Settlement and Release (Doc. 63-4) is **PRELIMINARILY APPROVED**.
5. The parties' Notice (Doc. 65-1), with the modifications recommended by the R&R (Doc. 66, p. 15), is **APPROVED** as to form and content.

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<sup>1</sup> Although Judge Kidd referenced administrative feasibility in his R&R (Doc. 66, p. 7), while relevant, it is no longer a requirement for class certification. *See Cherry v. Dometic Corp.*, 986 F.3d 1296, 1303-04 (11th Cir. 2021). This does not change the outcome of the R&R or this Order.

6. The fairness hearing is set for **Tuesday, September 27, 2022**, at **1:30 p.m.** in person in Courtroom 4A of the Orlando Federal Courthouse. The parties are **DIRECTED** to abide by the pre-hearing deadlines set forth by the R&R (Doc. 66, p. 16).<sup>2</sup>

**DONE AND ORDERED** in Chambers in Orlando, Florida, on December 17, 2021.



  
ROY B. DALTON JR.  
United States District Judge

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<sup>2</sup> This schedule is the same as that proposed by the parties, with the exception that opt-outs may occur within sixty days of the mailing of the Notice, as opposed to the proposed thirty days. (See Doc. 66, p. 16.)