



## AlaFile E-Notice

47-CV-2016-900433.00

Judge: D. ALAN MANN

To: Eric James Artrip  
artrip@mastandoartrip.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

JANE DOE MOTHER/FRIEND OF MARY DOE MINOR V JEREMY JOSEPH NELSON ET AL  
47-CV-2016-900433.00

The following matter was FILED on 1/16/2019 2:09:29 PM

**C001 DOE JANE MOTHER/FRIEND OF MARY DOE, A MINOR**

**C002 DOE SUE**

JOINT MOTION FOR PRELIMINARY APPROVAL

[Filer: ARTRIP ERIC JAMES]

Notice Date: 1/16/2019 2:09:29 PM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



ELECTRONICALLY FILED  
1/16/2019 2:08 PM  
47-CV-2016-900433.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

**STATE OF ALABAMA**

Revised 3/5/08

**Cas**

Unified Judicial System

47-MADISON

 District Court     Circuit Court

CV21

JANE DOE MOTHER/FRIEND OF MARY DOE  
MINOR V JEREMY JOSEPH NELSON ET AL

**CIVIL MOTION COVER SHEET**

Name of Filing Party: C001 - DOE JANE MOTHER/FRIEND OF MARY  
DOE, A MINOR  
C002 - DOE SUE

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

Eric James Artrip  
301 Washington Street, Suite 302  
Huntsville, AL 35801  
Attorney Bar No.: ART001

 Oral Arguments Requested
**TYPE OF MOTION****Motions Requiring Fee**

- Default Judgment (\$50.00)  
Joinder in Other Party's Dispositive Motion  
(i.e. Summary Judgment, Judgment on the Pleadings,  
or other Dispositive Motion not pursuant to Rule 12(b))  
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative  
Summary Judgment (\$50.00)  
Renewed Dispositive Motion (Summary  
Judgment, Judgment on the Pleadings, or other  
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other \_\_\_\_\_  
pursuant to Rule \_\_\_\_\_ (\$50.00)

\*Motion fees are enumerated in §12-19-71(a). Fees  
pursuant to Local Act are not included. Please contact the  
Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0 \_\_\_\_\_

**Motions Not Requiring Fee**

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other Joint Motion for Preliminary Approval  
pursuant to Rule \_\_\_\_\_ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously  
with this motion an Affidavit of Substantial Hardship or if you  
are filing on behalf of an agency or department of the State,  
county, or municipal government. (Pursuant to §6-5-1 Code  
of Alabama (1975), governmental entities are exempt from  
prepayment of filing fees)

Date:  
1/16/2019 2:06:06 PM

Signature of Attorney or Party  
/s/ Eric James Artrip

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

\*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

**JANE DOE, et al.,** )  
 )  
**Plaintiffs,** )  
 )  
 v. ) **Civil Action No.: 2016-900433**  
 )  
**JEREMY JOSEPH NELSON, et al.,** )  
 )  
**Defendants.** )

**JANE SMITH, et al.,** )  
 )  
**Plaintiffs,** )  
 )  
 v. ) **Civil Action No.: 2016-900449**  
 )  
**JEREMY JOSEPH NELSON, et al.,** )  
 )  
**Defendants.** )

**JOINT MOTION FOR PRELIMINARY APPROVAL**

COME NOW the Parties to this action, and request the Court grant their Joint Motion for Preliminary Approval. In support of this Motion, the Parties state as follows:

**CLAIMS & CLASS PROCEDURAL HISTORY**

This case involves claims against Defendants, Sanitary Systems, a janitorial service company, James Starkey, the owner of Sanitary Systems, and Jeremy Joseph Nelson, an employee of Sanitary Systems, for placing cameras in the bathrooms and changing rooms used by minors and adults at both Ann’s Studio of Dance, Bentley Cadillac Dealership, and WHNT 19 television station.

The aforementioned events occurred during the following time frames:

- At Ann’s Studio of Dance from approximately April 1, 2014 until Mr. Nelson’s arrest on October 7, 2014;
- At WHNT from approximately April 2013 until Mr. Nelson’s arrest on October 7,

2014; and

- At the Bentley Cadillac Dealership from approximately September 2014 until Mr. Nelson's arrest on October 7, 2014.

In total, there are 439 Plaintiffs in this class action. From Ann's Dance Studio, Plaintiffs represent 396 children. From Bentley Automotive, Plaintiffs represent 23 individuals. With respect to WHNT Channel 19 News, Plaintiffs represent 20 individuals.

On August 8, 2018, this Court issued an Order granting Class Certification of this action pursuant to Rule 23 of the Alabama Rules of Civil Procedure as a result of a Joint Motion to Enter Order on Class Certification. Members of the Class were given of this pending lawsuit and members rights before October 5, 2018, in accordance with this Court's Order.

At the time of the Opt-Out Deadline, October 26, 2018, Class Counsel received notice that only one member chose to opt out of this action. However, the member chose to opt out based on their belief his children did not attend Ann's School of Dance during the relevant time frame and not because they did not want to be part of the Class.

#### **ARGUMENTS PENDING MOTION FOR SUMMARY JUDGMENT**

Defendants filed a Motion for Summary Judgment, the hearing for which was scheduled February 8, 2019. Defendant argued in its motion, that Starkey (employer) is not liable for the criminal acts of Nelson (employee). Defendant emphasized that Alabama courts have regularly held that a premises owner or employer cannot be held liable for the criminal acts of a third party, including an employee, unless extraordinary circumstances are present.

In support of this argument, Defendants cited to Ex parte South Baldwin Regional Medical Center, 785 So. 2d 368 (Ala. 2000), a case in which the Supreme Court considered facts in which parents sued a hospital, claiming assault and battery, negligent supervision and breach of duty to

a business invitee, after their six-year-old daughter, while visiting a patient, was fondled by McFadden, a registered nurse employed at the hospital. The evidence showed that McFadden had been diagnosed with manic depression, and “had a history of emotional outbursts with fellow employees and at least one patient.” However, “[n]o evidence indicate[d] that McFadden had ever engaged in sexual misconduct before the incident made the basis of this action.”

The South Baldwin Court affirmed summary judgment in favor of the employer, holding that where there was no evidence that the hospital had “specialized knowledge” of the “particular” criminal conduct, indicating that the particular conduct “was a probability,” an employer could not be held liable for its employee’s criminal actions.

Both South Baldwin and the present case alleged claims in which plaintiffs seek to hold an employer liable for sexual crimes against children committed by an employee who was working at the time he committed the subject act. As argued in Defendant’s Motion for Summary Judgment, both McFadden and Jeremy Nelson had issues in their pasts (mental illness and altercations with co-employees and patients for McFadden; substance abuse and domestic violence arrests for Nelson), from which one could argue that the decision to hire or retain them was questionable. Testimony showed that both McFadden and Nelson performed the duties associated with their employment well. Most importantly, the record contains no evidence as to either McFadden or Nelson of any sexual misconduct prior to the subject criminal act.

Defendant further argued that Plaintiff could not prevail in proving that Nelson’s acts occurred within the line and scope of his employment. “To recover against a defendant under the theory of respondeat superior, the plaintiff must establish the status of employer and employee and must show that the act was done within the line and scope of the employee’s employment.” Hudson v. Muller, 653 So.2d 942 (Ala. 1995). In support of this argument, Defendant cited to Hendley v.

Springhill Memorial Hosp., 575 So.2d 547 (Ala. 1990), in which the Supreme Court considered facts in which a technician for a company that provided TENS units for a hospital, while at the hospital for the business of his employer, performed an unauthorized vaginal examination of the plaintiff. In upholding the trial court's entry of summary judgment in favor of the hospital, the Court held:

It is a general rule that where an employee abandons his employer's business for personal reasons, the employment is suspended and the employer is not liable for the actions of the employee during the temporary lapse in employment and during the time of the employee's absence from the employer's business. A tort committed by an agent, even if committed while engaged in the employment of the principal, is not attributable to the principal if it emanated from wholly personal motives of the agent and was committed to gratify wholly personal objectives or desires of the agent.

In the present case, Nelson testified that his acts were done solely to satisfy his own personal desires, and signed a plea agreement stating as much. Further, he testified that none of his duties involved the use of a camera for any business purpose.

Starkey first met Nelson when they both attended Locust Grove Baptist Church, where Starkey and Nelson's parents were members. As a young adult, Nelson had several misdemeanor arrests, but Nelson had never been arrested for any crimes involving sexual misconduct or pornography prior to October 7, 2014. Starkey gave Nelson a chance because he was familiar Nelson and his family.

Starkey had contracts to perform janitorial services with Ann's Studio of Dance, WHNT Channel 19, and Bentley Automotive. Nelson's duties at these three businesses were to sweep, mop and vacuum floors, clean bathrooms, and empty trash cans. None of his duties at any of the three businesses required the use of a camera for any business purpose.

Nelson purchased all of the cameras he used from eBay. Nelson never discussed his

purchases of camera equipment with Starkey. Nelson never discussed looking at pornographic images of children with Starkey. Nelson never told Starkey about how much he viewed pornography or the types of images he viewed. Starkey had no knowledge or suspicion that Nelson had used or was using surveillance cameras to record any person, whether dressed or undressed until after his arrest on October 7, 2014. Starkey never discovered any camera hidden by Nelson.

Nelson also testified that he worked at Sanitary Systems while under the influence of marijuana, but that Starkey was never aware of his marijuana use. Starkey also testified that he was not aware of Nelson's marijuana use, and never suspected that he was using marijuana.

Starkey has run Sanitary Systems as a sole proprietorship for over forty years to provide basic janitorial services to commercial clients. Had this matter been allowed to proceed to trial, the jury would have only seen that Mr. Starkey was financially responsible and not have been presented with any facts regarding any insurance coverage available.

It is Starkey's position that he did not owe a duty to the plaintiffs, as Nelson's acts were not foreseeable. Ultimately, the facts indicate that there was little to no evidence suggesting that Starkey knew of Nelson's conduct or knew of any facts that would have put him on notice that such conduct was a possibility.

The arguments pending Defendant's Motion for Summary Judgment were taken into great consideration by counsel for the Plaintiffs when determining whether settlement was in the best interest of the class.

#### **PROPOSED SETTLEMENT**

On December 5, 2018, the Parties mediated this case with Marty Van Tassel, Jr. in Birmingham, Alabama. Pending the Court's approval, the Parties have reached agreement that the Defendant will pay \$1,250,000.00 to settle this case, plus litigation costs of \$15,000.00 and the

fees charged for mediation costs The Parties now respectfully request that this Court grant its Joint Motion for Preliminary Approval, along with their Proposed Notice of Class Settlement Notice and Proposed Scheduling Order (attached hereto as Exhibit A and Exhibit B).

#### **APPROVAL OF ATTORNEYS' FEES**

Class Counsel for the Plaintiffs respectfully request the Court approve attorney fees of 35% of the gross settlement value. This would result in total attorney fees of \$437,500.00. Said amount is to be divided among the Class Counsel in this case in equal amounts.

The Defense counsel in this matter has been consulted regarding the approval of attorney fees and has no objection.

#### **LITIGATION COSTS**

As part of the settlement reached between the parties, the Defense has agreed to pay a sum of \$15,000.00 in excess of the settlement value (\$1,250,000.00). This amount will be used to pay the case expenses incurred, as well as any expenses moving forward to settle this matter. Any portion of the litigation costs that is unused will go towards the net class settlement.

#### **SETTLEMENT DISTRIBUTION**

Class Members are to receive a pro rata distribution of the Settlement Fund. Checks to be issued to Class Members upon the Court's approval of the parties' preliminary motion, and in accordance with the Proposed Scheduling Order (Exhibit B). Pursuant to ALABAMA CODE § 26-2A-6, Parents or Guardians of minor Class Members will receive the funds to be used for the benefit of the minor Class Member.

#### **APPOINTMENT OF GUARDIAN AD LITEM**

The parties request the Court appoint Guardian *Ad Litem* to approve the settlement of the minors in this case.



Respectfully submitted this the 16<sup>th</sup> day of January, 2019

s/ Eric J. Artrip

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Eric J. Artrip (ART001)  
Teri Ryder Mastando (NIC023)  
MASTANDO & ARTRIP, LLC  
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s/ Drew E. Haskins, IV

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Drew E. Haskins, IV  
HENINGER GARRISON DAVIS, LLC  
2224 1<sup>st</sup> Avenue North  
Birmingham, AL 35203  
P. O. Box 11310  
Birmingham, AL 35202

s/ Thomas M. Little

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Thomas M. Little  
SMITH, SPIRES, PEDDY, HAMILTON  
& COLEMAN P.C.  
2015 Second Avenue North, Suite 200  
Birmingham, Alabama 35203

**EXHIBIT A – PROPOSED NOTICE OF CLASS SETTLEMENT**

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

<b>JANE DOE, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 2016-900433</b>
	)	
<b>JEREMY JOSEPH NELSON, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>JANE SMITH, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 2016-900449</b>
	)	
<b>JEREMY JOSEPH NELSON, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF CLASS SETTLEMENT**  
**PLEASE READ CAREFULLY THIS NOTICE AFFECTS YOUR LEGAL RIGHTS**

You are receiving this notice because you have been identified as a member of a class action lawsuit asserting that the Defendants, Sanitary Systems, a janitorial service company, James Starkey, the owner of Sanitary Systems, and Jeremy Joseph Nelson, an employee of Sanitary Systems, are liable for placing cameras in the bathrooms and changing rooms used by minors and adults at Ann’s Studio of Dance, Bentley Cadillac Dealership, and WHNT 19 television station.

The aforementioned events occurred during the following time frames:

- At Ann’s Studio of Dance from approximately April 1, 2014 until Mr. Nelson’s arrest on October 7, 2014;
- At WHNT from approximately April 2013 until Mr. Nelson’s arrest on October 7, 2014; and
- At the Bentley Cadillac Dealership from approximately September 2014 until Mr. Nelson’s arrest on October 7, 2014.

This lawsuit is referred to as *Jane Smith, et al., v. Jeremy Joseph Nelson, et al.*, Case No. CV-2016-900449.00 pending in the Circuit Court of Madison County, Alabama.

On August 8, 2018, the Circuit Court of Madison County, Alabama issued an Amended Order granting Class Certification of this action pursuant to Rule 23 of the Alabama Rules of Civil Procedure. The Court directed the parties to give notice to you and the other members of the Class in order to inform you of this pending lawsuit and your rights.

You have been identified as a member of this class and are entitled to monetary compensation. Please retain this document, as the following pages contain important and valuable information about this lawsuit and your rights.

## FACTS AND LEGAL OBSTACLES TO RECOVERY

Defendants filed a Motion for Summary Judgment, the hearing for which was scheduled February 8, 2019. Defendant argued in its motion, that Starkey (employer) is not liable for the criminal acts of Nelson (employee). Defendant emphasized that Alabama courts have regularly held that a premises owner or employer cannot be held liable for the criminal acts of a third party, including an employee, unless extraordinary circumstances are present.

In support of this argument, Defendants cited to Ex parte South Baldwin Regional Medical Center, 785 So. 2d 368 (Ala. 2000), a case in which the Supreme Court considered facts in which parents sued a hospital, claiming assault and battery, negligent supervision and breach of duty to a business invitee, after their six-year-old daughter, while visiting a patient, was fondled by McFadden, a registered nurse employed at the hospital. The evidence showed that McFadden had been diagnosed with manic depression, and “had a history of emotional outbursts with fellow employees and at least one patient.” However, “[n]o evidence indicate[d] that McFadden had ever engaged in sexual misconduct before the incident made the basis of this action.”

Both South Baldwin and the present case alleged claims in which plaintiffs seek to hold an employer liable for sexual crimes against children committed by an employee who was working at the time he committed the subject act. As argued in Defendant’s Motion for Summary Judgment, both McFadden and Jeremy Nelson had issues in their pasts (mental illness and altercations with co-employees and patients for McFadden; substance abuse and domestic violence arrests for Nelson), from which one could argue that the decision to hire or retain them was questionable. Testimony showed that both McFadden and Nelson performed the duties associated with their employment well. Most importantly, the record contains no evidence as to either McFadden or Nelson of any sexual misconduct prior to the subject criminal act.

Defendant further argued that Plaintiff could not prevail in proving that Nelson’s acts occurred within the line and scope of his employment. “To recover against a defendant under the theory of respondeat superior, the plaintiff must establish the status of employer and employee and must show that the act was done within the line and scope of the employee's employment.” Hudson v. Muller, 653 So.2d 942 (Ala. 1995). In support of this argument, Defendant cited to Hendley v. Springhill Memorial Hosp., 575 So.2d 547 (Ala. 1990), in which the Supreme Court considered facts in which a technician for a company that provided TENS units for a hospital, while at the hospital for the business of his employer, performed an unauthorized vaginal examination of the plaintiff. In upholding the trial court’s entry of summary judgment in favor of the hospital, the Court held:

It is a general rule that where an employee abandons his employer's business for personal reasons, the employment is suspended and the employer is not liable for the actions of the employee during the temporary lapse in employment and during the time of the employee's absence from the employer's business. A tort committed by an agent, even if committed while engaged in the employment of the principal, is not attributable to the principal if it emanated from wholly personal motives of the agent and was committed to gratify wholly personal objectives or desires of the agent.

In the present case, Nelson testified that his acts were done solely to satisfy his own personal desires, and signed a plea agreement stating as much. Further, he testified that none of his duties involved the use of a camera for any business purpose.

Nelson purchased all of the cameras he used from eBay. Nelson never discussed his purchases of camera equipment with Starkey. Nelson never discussed looking at pornographic images of children with Starkey. Nelson never told Starkey about how much he viewed pornography or the types of images he viewed. Starkey had no knowledge or suspicion that Nelson had used or was using surveillance cameras to record any person, whether dressed or undressed until after his arrest on October 7, 2014. Starkey never discovered any camera hidden by Nelson.

Starkey has ran Sanitary Systems as a solo practitioner for over forty years to provide basic janitorial services to commercial clients. Had this matter been allowed to proceed to trial, the jury would have only seen that Mr. Starkey was financially responsible and not have been presented with any facts regarding any insurance coverage available.

It is Starkey's position that he did not owe a duty to the plaintiffs, as Nelson's acts were not foreseeable. Ultimately, the facts indicate that there was little to no evidence suggesting that Starkey knew of Nelson's conduct or knew of any facts that would have put him on notice that such conduct was a possibility.

The arguments pending Defendant's Motion for Summary Judgment were taken into great consideration by counsel for the Plaintiffs when determining whether settlement was in the best interest of the class.

### **BASIC INFORMATION**

1. Why did I get this notice package?

You are receiving this Notice because a settlement has been reached with the Defendants in the amount of \$1,250,000.00 plus litigation expenses, and you are entitled to a portion of this settlement in the form of monetary compensation.

2. What will happen next?

A fund will be created to divide any settlement or verdict proceeds among all Class Members. This fund will also be used to provide compensation to the attorneys who represented the class and to offset the costs of administering the settlement or trial.

3. What are the cash benefits of the settlement?

After the payment of fees and expenses approved by the Court, each Class Member is eligible for a cash benefit which will be based on a pro rata distribution of the Settlement Fund.

### **HOW WILL YOU GET YOUR BENEFITS**

4. Do I have to submit a claim form?

You will not need to submit a claim form in order to receive settlement benefits. The check will be sent to your address automatically.

5. When will I receive the settlement/verdict benefits?

The Court will set a hearing to determine whether the settlement will receive final approval. If approved, settlement benefits will be mailed within 90 days of the date of the Court order granting final approval. Payments will only be delayed for a Class Member if we are unable to verify a Class Member's identity and address during that period. Pursuant to ALABAMA CODE § 26-2A-6, Parents or Guardians of minor Class Members will receive the funds to be used for the benefit of the minor Class Member.

6. Do I have the right to object to the settlement?

Yes. Objections to class settlement must take place on or before Friday, March 8, 2019. After this time, the Court will schedule a Final Settlement Approval Hearing and funds will be disbursed. In order to object to this settlement, you must contact Class Counsel in writing, before March 8, 2019.

### **THE LAWYERS REPRESENTING YOU**

7. Do I have a lawyer in this case?

Yes. The Court appointed the following attorneys as Class Counsel to represent you and the other Class Members:

- Drew Haskins of the law firm Heninger Garrison Davis, LLC in Birmingham, Alabama
- Eric Artrip of the law firm Mastando & Artrip, LLC in Huntsville, Alabama

You will not be charged individually for these lawyers. If you want to be represented by your own lawyer, you may hire one at your expense.

8. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of fees and expenses to be paid from the Settlement Fund. Class Counsel will request fees not to exceed 35% of the Settlement Fund. The fees awarded by the Court, which may be less than the amount requested, would pay Class Counsel for investigating the facts, litigating the case, and negotiating a settlement. The Defendants have agreed not to oppose or take any position related to Class Counsel's request for fees and expenses.

### **IF YOU DO NOTHING**

9. What happens if I do nothing at all?

If you do nothing, the Court will determine whether to approve the settlement, and if approved, you will receive your settlement benefits automatically in a check sent to the same address where you received this notice, as outlined above.

### **GETTING MORE INFORMATION**

10. How can I get more details about the settlement?

For more information, you can call or email Class Counsel at the following address:

Drew Haskins  
205-327-9136  
[dhaskins@hgdllawfirm.com](mailto:dhaskins@hgdllawfirm.com)

Eric Artrip  
256-532-2222  
[artrip@mastandoartrip.com](mailto:artrip@mastandoartrip.com)

Please be prepared to provide your name, address and telephone number to Class Counsel.

**EXHIBIT B – PROPOSED SCHEDULING ORDER**

1. Preliminary Approval Hearing to take place on or before \_\_\_\_\_.
2. Class members to receive Notice of Class Settlement on or before **Friday, February 8, 2019.**
3. Objections to class settlement must take place on or before **Friday, March 8, 2019.**
4. Final Approval Hearing to be scheduled on or before **Friday, March 22, 2019.**
5. Settlement distributions to be completed no later than **Friday, May 10, 2019.**



**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

DOE JANE MOTHER/FRIEND OF )  
 MARY DOE, A MINOR, )  
 DOE SUE, )  
 Plaintiffs, )  
 V. )  
 NELSON JEREMY JOSEPH, )  
 STARKEY JAMES AND AS OWNER )  
 OF SANITARY SYSTEMS, )  
 Defendants. )

**Case No.:** CV-2016-900433.00

**Proposed Scheduling Order**

1. Preliminary Approval Hearing to take place on or before \_\_\_\_\_.
2. Class members to receive Notice of Class Settlement on or before Friday, February 8, 2019.
3. Objections to class settlement must take place on or before Friday, March 8, 2019.
4. Final Approval Hearing to be scheduled on or before Friday, March 22, 2019.
5. Settlement distributions to be completed no later than Friday, May 10, 2019.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

\_\_\_\_\_  
CIRCUIT JUDGE