

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

DANIELLE WOOTEN, MURTYDELL )  
BARNES, MISTY EWING, BETTY )  
KING, NYCOLE PRICE, KIM )  
RICHARD, ROSETTA SMITH, and )  
LORITA THOMPSON, Individually and )  
as Representatives of a class of )  
similarly situated individuals, )  
)  
Plaintiffs, )

vs. )

Case No. 99-0990-CV-W-3-ECF

)  
DILLARD'S, INC., d/b/a Dillard's )  
Department Stores, )  
)  
Defendant. )

ORDER EXPRESSING THE COURT'S PRELIMINARY VIEWS OF THE PARTIES'  
SETTLEMENT AGREEMENT

The parties have submitted reached a settlement that calls for the Court, among other things, to preliminarily approve certification of a plaintiff class and dissemination of notice to the class that the matter has been settled. The Court has completed its initial review of the materials submitted by the parties, and they can expect that the Court will issue its preliminary approval once the following matters have been addressed:

1. The Notice of Pendency of Class Action and Proposed Settlement (the parties' Exhibit B) should be amended to contain the correct caption (which appears at the top of this Order), including particularly (a) a complete listing of the named plaintiffs and (b) the correct case number.
2. The Notice of Pendency of Class Action and Proposed Settlement should be amended to clearly disclose the number of individuals who will be seeking a special award of \$100,000. In addition, the amount of the award that each will

be seeking must be disclosed. Finally, the parties should submit the revised notice to the Court for final review

3. The Stipulation and Settlement Agreement shall be amended to require the Settlement Administrator's faithful performance be guaranteed by a surety approved by the Court in a form approved by the Court. Alternatively, the parties may agree to eliminate the "hold harmless provision" appearing as the last sentence of paragraph 29 of the Stipulation and Settlement Agreement. The parties shall also submit a revised agreement to the Court for final review.
4. The parties shall supply the Court with a computer disk containing a copy of the proposed Order Preliminarily Approving Class Action Settlement.

Once these matters are attended to, the parties can expect the Court to issue the preliminary order as promptly as is possible.

IT IS SO ORDERED.

/s/ Ortrie D. Smith \_\_\_\_\_  
ORTRIE D. SMITH, JUDGE

DATE: July 17, 2001