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KEISHA DESSELLE, ET AL
COURT

: 12TH JUDICIAL DISTRICT

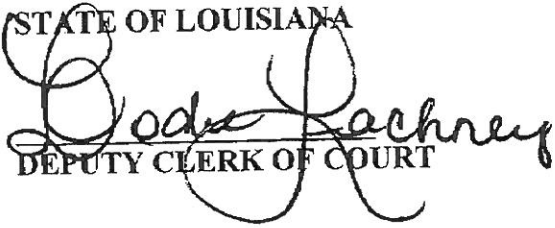
VS. NO. 2010-5885 "A"

: PARISH OF AVOYELLES

ACADIAN AMBULANCE SERVICE, INC.

: STATE OF LOUISIANA

FILED: May 31, 2012

: 
DEPUTY CLERK OF COURT

NOTICE PLAN

1. **Background.** Notice of a class action to class members must satisfy due process. Guidelines on proper notice can be found in the United States Supreme Court's seminal decisions which inform that notice must be designed a.) to endeavor to actually inform the class, and b.) to demonstrate that the proffered notice is reasonably calculated to do so:

- 1.) When notice is due to a class member, the means employed must be of such a nature that it is intended to actually provide notice to the one entitled to it. *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950);
- 2.) Further, notice must be "reasonably calculated, under all the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Id.*, at 314.
- 3.) When a class member's address is available through reasonable efforts, direct mail notice is appropriate. *Eisen v. Carlisle and Jacquelin*, 417 U.S. 156 (U.S.N.Y. 1976).

Class members are current and/or former patients of Acadian Ambulance and may be reached through first class mail. Thus, individual notice by first class mail to all class members, to the extent practicable, will be the best notice practicable and will satisfy due process.

2. **General.** The class action articles of the Louisiana Code of Civil Procedure, Articles 591-97, are adapted from Federal Rule of Civil Procedure 23. *Williams v State*, 350 So.2d 131 (La.1977). Because Louisiana Code of Civil Procedure Article 591 closely parallels Federal Rule 23 regarding class actions, Louisiana courts often look to federal decisions interpreting Rule 23 for guidance on class action procedures. *Howard v. Willis-Knighton Medical Center*, 40,634 (La.App.2d Cir.03/08/06), 924 So.2d 1245,

To assure that class members are fully informed of (i) the nature of the action, (ii) the certification of the class and the definition of the class certified, (iii) the ability of class members to opt out of the class and the manner, form, and time period in which opt outs are to take place, and (iv) the binding effect of any class judgment on class members per Louisiana Code of Civil Procedure, Articles 591-97, notice shall be disseminated by class counsel, to class members as due process and the Louisiana Code of Civil Procedure require. The mailings of notice shall occur by no later than May 30, 2012. Opt out requests must be postmarked by July 16, 2012. Probable class members' names and addresses have been provided by Acadian Ambulance in its

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October 21, 2011 Responses to Plaintiffs' Second Set of Interrogatories and Request for Production of Documents and are filed under seal in the court record.

3. **Detailed Notice by U.S First Class Mail.** Dissemination of the Notice of Class Action, attached hereto as Exhibit 1, shall be by first class mail to the last known address of all probable class members, as provided by Acadian in List A, List B, and List C. Class counsel will mail the notice to all class members. Class counsel will track all mailings. Should any mailings be returned, class counsel will immediately access the United States Postal Service National Change of Address ("NCOA") database to compare the address to which the notice was mailed with any different addresses listed in the NCOA. Should a different address be found, the class counsel will immediately mail the notice to the class member at that address. Further, class counsel will take all other additional reasonable steps to secure current addresses for class members for whom returned mailings are received. After the notice period, class counsel will provide a report as to the responses received, including inquiries and requests for exclusions. After the notice period, class counsel will prepare an affidavit confirming the above actions were taken and providing the Court with the results of the notice effort.

4. **Detailed Notice/Website.** Class Counsel shall post documents concerning the class action, including but not limited to the Notice of Class Action, the plaintiffs' Original Petition and subsequent Amending Petitions, defendant's answer, the Class Certification Order, the names, firm names, and addresses of the Class Counsel, and related documents, on a neutral website, www.ambulanceclass.com. Class members can visit this website to obtain and review documents concerning the class action. The website address will be prominently displayed in the Notice of Class Action attached hereto as Exhibit 1. Class counsel and defense counsel will meet and confer on a list of Frequently Asked Questions (FAQs) and appropriate answers by ~~May 30,~~ ^{June 11,} *me* 2012.



JUDGE MARK A. JEANSONNE
12TH JDC DIV. "A"

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KESHA DESSELLE, ET AL. *
AND ON BEHALF OF ALL OTHERS *
SIMILARLY SITUATED *

12TH JUDICIAL DISTRICT COURT

NO: 2010-5885

ACADIAN AMBULANCE SERVICE, INC *

PARISH OF AVOYELLES

FILED May 31, 2012

Rodney Jachney
DEPUTY CLERK

**ORDER ON MOTION FOR APPROVAL OF CLASS ACTION NOTICE PLAN
AND OF NOTICE OF CLASS ACTION**

On May 21, 2012, the Motion for Approval of Class Action Notice Plan and of Notice of Class Action was heard by this Court. The following were present and argued:

Derrick Earles
Lawrence Centola
Class Counsel

Alan Bertau
Rodney Rabalais
Counsel for Acadian Ambulance Service, Inc.

After reviewing the law, memorandum, and after hearing argument of counsel, the Court GRANTS the Motion for Approval of Class Action Notice Plan and of Notice of Class Action.

The Notice Plan approved by the Court is attached hereto as Exhibit A.

Class Counsel is directed to edit Section A of the Notice of Class Action to include the language requested by Acadian Ambulance in its opposition. Class Counsel is directed to submit the edited Notice of Class Action as Exhibit 1 to the Notice Plan.

Signed this 31 day of May, 2012 in Marksville, Louisiana.

MJC

JUDGE MARK A. JEANSONNE

5-31-12
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Derrick Earles, Claude Duprel,
Alan Bertau, Rodney Rabalais