

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 13-61747-Civ-COOKE/TORRES

KURT S. SOTO, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

THE GALLUP ORGANIZATION, INC., a
Delaware corporation,

Defendant.
_____ /

LAURIE C. MARR, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

GALLUP, INC.,

Defendant.
_____ /

ANN FOX, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

GALLUP, INC.,

Defendant.
_____ /

**JOINT STIPULATION TO CLARIFY PROSPECTIVE RELIEF TO BE PROVIDED
TO CLASS MEMBERS UNDER THE SETTLEMENT AGREEMENT
AND TO WITHDRAW THE OBJECTION OF ELIZABETH A. MILLER**

Plaintiffs and Objector Elizabeth A. Miller (“Objector”)(collectively the “Parties”), by and through their undersigned counsel, hereby stipulate and agree, subject to approval of the Court, to clarify the Prospective Relief provided to Class Members and to Withdraw the Objection of Elizabeth A. Miller. For the reasons set forth below, good cause exists to grant this Stipulation:

WHEREAS, on May 15, 2015, Plaintiff filed the Class Action Settlement Agreement with the Court accompanied by a Motion for Preliminary Approval. [Dkt. 77]; and

WHEREAS, the Settlement Agreement, executed by Plaintiffs and Defendant on March 30, 2015, provided for certain relief to the Class and potential establishment of a *cy pres* fund; and

WHEREAS, the potential *cy pres* recipients were not identified in the settlement agreement; and

WHEREAS, the Settlement Agreement contained provisions concerning the role of Class Counsel in oversight of the claims administration; and

WHEREAS, Objector Elizabeth A. Miller filed her objection to the proposed settlement in which she objected, *inter alia*, to the *cy pres* and settlement administration provisions of the proposed settlement; and

WHEREAS, after discussions between Class Counsel and counsel for Objector Elizabeth A. Miller, the parties reached an agreement to clarify the above-referenced issues.

NOW, THEREFORE, the parties stipulate as follows:

1. The recipient of any *cy pres* funds pursuant to the Settlement Agreement shall be limited to the Legal Services of Greater Miami, Inc., Three Rivers Legal Services, Inc., Legal Aid of Nebraska, and the National Consumer Law Center. In the

event that a *cy pres* distribution is made to these organizations, such funds shall be restricted to funding representation of parties in claims relating to violation of the Telephone Consumer Protection Act (“TCPA”).

2. Class counsel agrees that their and that of the Defendant’s involvement with the administration of the Settlement shall be limited to periodic review of the claims process and responding to and providing assistance to the Settlement Administrator as may be requested from time to time.
3. The parties agreed that by clarifying these issues, counsel for Objector Elizabeth A. Miller have provided a benefit to the class.
4. Based upon the provisions of this Stipulation, Objector Elizabeth A. Miller is hereby filing her Motion to Withdraw her objection based upon her belief that the changes and clarifications set forth in this Stipulation now render the settlement fair, reasonable and adequate and believes that the Settlement should be approved.

WHEREFORE, the Parties request that this Court approve this Joint Stipulation and thereby permit the withdrawal of the objection of Objector Elizabeth A. Miller.

/s/ Seth M. Lehrman
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Counsel for Objector Elizabeth A. Miller

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This 17th day of November, 2015.

/s/ Seth M. Lehrman
Seth M. Lehrman