

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

ELLEN ALLICKS, et al., on behalf of)
themselves and others similarly situated;)
)
Plaintiffs,)
)
vs.)
)
OMNI SPECIALTY PACKAGING, LLC,)
O'REILLY AUTOMOTIVE STORES, INC.,)
d/b/a O'REILLY AUTO PARTS, and)
OZARK AUTOMOTIVE)
DISTRIBUTORS, INC.)
)
Defendants.)

Case No.: 4:19-cv-1038-DGK

**ORDER DENYING AS MOOT THE PARTIES'
MOTION FOR DISTRIBUTION**

Now before the Court is the parties' Joint Motion to Approve the *Cy Pres* Distribution. ECF No. 47. The parties inform the Court that the settlement administrator has completed the settlement funds distribution process to the class, and that \$1,322,024.38 out of the \$8,601,361.10 set aside for class distributions and settlement administration costs remains for distribution to the designated *cy pres* recipient, Legal Aid of Western Missouri ("Legal Aid"). *Id.* The parties briefly outline the class distribution process and then request that the Court distribute the remainder to Legal Aid. *Id.*

The Court previously requested supplemental briefing on whether—and to what extent—a *cy pres* distribution was appropriate under controlling Eighth Circuit precedent. *See* ECF No. 48. After reviewing the Court's order as well as the controlling precedent, the parties have instead agreed to make an additional round of distributions to the class before making any *cy pres*

distribution. *See* ECF No. 49. The parties request until December 30, 2022, to submit a proposed plan for making additional distributions to the class. *Id.*

In light of the parties' agreement, their motion for approval of the *cy pres* distribution is DENIED AS MOOT. The parties are ORDERED to submit a proposed class distribution plan to the Court on or before December 30, 2022.

IT IS SO ORDERED.

Dated: December 20, 2022

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT