

**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

**JOINT STATUS REPORT FOR JULY 14, 2023  
AND MOTION TO APPROVE SETTLEMENT ADMINISTRATOR ACTIVITY  
REGARDING STALE CHECKS AND REISSUANCE REQUESTS**

COME NOW Plaintiffs, by and through Class Counsel, and Defendants, by and through their undersigned counsel, and respectfully state as follows for their Joint Status Report for July 14, 2023 and Motion to Approve Settlement Administrator Activity Regarding Stale Checks and Reissuance Requests:

1. **Summary of Checks Issued to Date as Part of the Second Distribution:** A total of 120,090 checks have now been issued and mailed as part of the second distribution, including the second distribution checks themselves, reissued checks, and backup withholding checks. Of that total amount, 77,253 have now cleared totaling \$929,209.60, and 42,837 checks totaling \$256,300.84 are currently outstanding.

2. **Class Member Checks Returned as Undeliverable:** As part of the second distribution process, the Settlement Administrator received 2,872 checks returned as undeliverable. 180 of these returns had forwarding addresses provided by the post office, and

those were remailed immediately. Of the 2,692 remaining checks that were returned with no forwarding addresses, 1,007 were for \$5.00 or more and were sent for skip tracing and re mailing if a new address is located. Of the 1,007 sent for skip tracing, 347 came back with a new address, and the Settlement Administrator has reissued and mailed those checks. All of the checks referenced in this paragraph are included in the total numbers reported in the preceding paragraph.

3. **Dates On Which All Second Distribution Checks Become Stale:**

All of the checks issued as part of the second distribution remain valid for 90 days from the date of issuance. The Settlement Administrator has indicated that all second distribution checks, including those re-mailed after locating new addresses, were no longer valid as of June 21, 2023 or earlier.

4. **Additional Requests to Reissue Checks:** Further, the Settlement Administrator recently received an additional set of requests from Settlement Class Members to reissue seven first distribution checks totaling \$3,169.15 and nine second distribution checks totaling \$282.08. With the Court's approval, the Settlement Administrator will reissue those checks, as well as any other valid requests for reissuance received on or before August 15, 2023.

5. **Last Date for Honoring Distribution Checks:**

Since banks often will honor stale checks unless specifically directed not to do so, the Parties request the Court's approval for the Settlement Administrator to direct the bank to cease honoring any and all distribution checks as of November 20 , 2023, which is 95 days after the proposed August 15, 2023 cut-off date for honoring any additional reissuance requests and well beyond 90 days after the dates on which any currently outstanding checks became void (see paragraph 3, *supra*).

WHEREFORE, Plaintiffs and Defendants respectfully request that the Court enter an order accepting this Joint Status Report, setting August 15, 2023 as the final date by which the Settlement Administrator will accept any requests to reissue distribution checks, setting November 20, 2023 as the last date on which any and all distribution checks will be honored, and awarding such additional and further relief as the Court deems just and proper.

Dated: July 14, 2023

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 14<sup>th</sup> day of July, 2023.

/s/ Dirk Hubbard