

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

NOLA GREENO,

Plaintiff,

vs.

ALLIED PROPERTY AND CASUALTY
INSURANCE COMPANY, et al.,

Defendants.

CAUSE NO. CV 06-113-M-DWM

FINDINGS AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This matter was referred to the undersigned under authority of 28 U.S.C. § 636(b)(1)(B) for purposes of conducting a Fairness Hearing in accordance with the Preliminary Approval Order filed May 30, 2008. The Fairness Hearing was held on October 9, 2008. The undersigned enters the present findings and recommendations in satisfaction of Fed. R. Civ. P. 72(b)(1).

Based upon a review of the submissions of the Parties and Settlement Class Members, the argument of counsel, and noting that as of October 6, 2008, no objections to the settlement were filed by any Settlement Class Members, the undersigned enters the following findings and recommendations:

- (a) The certification of the Settlement Class should be reaffirmed in conjunction with final approval of the proposed settlement;

- (b) The proposed settlement is fair, reasonable and adequate and should be approved;
- (c) The action should be dismissed on the merits and with prejudice pursuant to the terms of the proposed settlement;
- (d) The Settlement Class Members should be bound by the release set forth in the stipulation;
- (e) Class counsels' application for an award of attorneys fees and expenses in the total amount of \$775,000 is reasonable under the circumstances of the case and should be approved; and
- (f) The application of the class representative Nola Greeno for an incentive payment in the amount of \$5,000 is reasonable and should be approved.

NOW, THEREFORE, IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the parties. The parties are advised that pursuant to 28 U.S.C. § 636, any objections to these findings must be filed with the Clerk of Court and copies served on opposing counsel within ten (10) days after receipt hereof, or objection is waived.

DATED this 9th day of October, 2008.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge