

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF IOWA
 CENTRAL DIVISION

DAVID M. SWINTON, on behalf of himself)	Case No. 4:18-CV-00144-SMR-SBJ
and all others similarly situated,)	
)	
Plaintiff,)	ORDER CLARIFYING ORDER ON
)	PLAINTIFF’S MOTION FOR
v.)	PRELIMINARY APPROVAL OF CLASS
)	ACTION SETTLEMENT
SQUARETRADE, INC.,)	
)	
Defendant.)	

On February 14, 2019, the Court issued an Order granting Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”). [ECF No. 73]. On February 15, 2019, counsel for Defendant SquareTrade, Inc. (“SquareTrade”), wrote to the Court to clarify two factual notations in the Preliminary Approval Order. *See* [ECF No. 75]. First, the Preliminary Approval Order stated that, by February 2017, Defendant corrected the discrepancy between the final and Pre-Sale Terms and Conditions¹ for Defendant’s Protection Plans. [ECF No. 73 at 3]. Defendant’s counsel informed the Court that the discrepancy was corrected in September 2017. Second, the Preliminary Approval Order stated that roughly eighty percent of all Defendant’s sales on Amazon are for mobile phone Protection Plans. *Id.* at 14. Defendant’s counsel clarified that eighty percent of sales on *SquareTrade’s website* are for mobile phone Protection Plans. Defendant’s counsel added that SquareTrade can only provide a discount to individual customers by providing a discount coupon for plans purchased directly from SquareTrade.

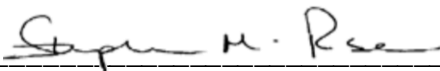
¹ Capitalized terms not defined herein are defined in the Preliminary Approval Order.

The Court has considered these matters, and they do not materially impact the findings set out in the Preliminary Approval Order. With regards to the “eighty percent” figure, the Court observed that the figure supported a view that the restriction of settlement coupons to mobile phone Protection Plans was not arbitrary. So too does the revised eighty-percent figure Defendant provided.

Accordingly, the Court finds it unnecessary to modify the Preliminary Approval Order. However, to the extent the parties’ settlement agreement required publishing or distributing the Preliminary Approval Order, the parties must publish or distribute the present Order along with it.

IT IS SO ORDERED.

Dated this 19th day of February, 2019.



STEPHANIE M. ROSE, JUDGE
UNITED STATES DISTRICT COURT