

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

GERARDO ARANDA, GRANT  
BIRCHMEIER, STEPHEN PARKES, and  
REGINA STONE, on behalf of themselves and  
a class of others similarly situated,

*Plaintiffs,*

v.

CARIBBEAN CRUISE LINE, INC.,  
ECONOMIC STRATEGY GROUP,  
ECONOMIC STRATEGY GROUP, INC.,  
ECONOMIC STRATEGY, LLC, THE  
BERKLEY GROUP, INC., and VACATION  
OWNERSHIP MARKETING TOURS, INC.,

*Defendant.*

Case. No. 12-cv-04069

Hon. Matthew F. Kennelly

**ORDER REGARDING OBJECTIONS TO THE SPECIAL MASTER'S  
AWARD OF CALLS DATED MAY 17, 2019**

It is hereby ADJUDGED and DECREED THAT:

Pursuant to the Memorandum Opinion and Order dated July 31, 2019, the Court rules as follows on the parties' objections to the special master's Award of Calls dated May 17, 2019 ("special master's ruling"):<sup>1</sup>

1. The Court sustains the plaintiffs' objection to the special master's ruling that the defendants could successfully rebut the three-call presumption afforded to Option 1 claimants by relying on the Class List as the "factual basis" for their challenge. The settlement administrator shall award three calls to each of the 43,158 claimants whose claims were challenged on this basis.

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<sup>1</sup> Unless otherwise noted, defined terms have the same meaning as used in the Court's Memorandum Opinion and Order of July 31, 2019.

2. The Court grants the plaintiffs' requests for the special master to hold telephonic hearings for the Option 2 claimants who requested such hearings during the challenge process but were inadvertently not provided with such hearings. Within 90 days of the date of this order, the special master shall issue a supplemental decision with respect to the number of calls awarded to these claimants after providing them with a reasonable opportunity to participate in a telephonic hearing.

3. The Court sustains the defendants' objections to the use of the List of 97 to increase the number of calls awarded to Option 2 claimants beyond the number of calls they claimed on their claim forms. The settlement administrator shall award each Option 2 claimant who falls into this category credit for the number of calls they claimed on their claim form.

4. In all other respects, the Court overrules the parties' objections and sustains the special master's rulings.

5. Because the Court has ordered additional telephonic hearings, this order is non-final for the purposes of appeal. Within 21 days after the special master issues his supplemental decision, each party shall either file objections to that decision or a statement of non-objection. Thereafter, the Court will issue a final order.

**IT IS SO ORDERED.**

ENTERED: August 5, 2019

  
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HONORABLE MATTHEW F. KENNELLY  
UNITED STATES DISTRICT JUDGE