

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

WILLIAM DEMLER,

Plaintiffs,

v.

CASE NO. 4:19cv94-RH-GRJ

MARK S. INCH,

Defendant.

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**ORDER AMENDING THE CLASS DEFINITION,
REQUIRING NOTICE, AND EXTENDING DEADLINES**

The class representatives have moved to amend the class definition to account for changed circumstances. The motion shows good cause for the change. This order grants the motion, approves and indeed requires supplemental notice of the change, and extends the schedule. The order also makes clear that class members must submit objections or comments in writing; they will be allowed to speak at the hearing only if they have submitted timely objections or comments in writing and only to the extent feasible and consistent with prison officials' reasonable management of their facilities. Due process is afforded by the opportunity to submit objections or comments in writing; an opportunity to speak at the hearing is not required.

IT IS ORDERED:

1. The class representatives' motion, ECF No. 267, to amend the class definition is granted.

2. The class definition is amended to substitute "100" in place of "75," so that the class now consists of:

All current Florida Department of Corrections prisoners whose digital media files were taken, or will be taken, pursuant to the Department's termination of the MP3 program, and who purchased more than 100 songs through that program.

3. Supplemental notice must be given substantially in the form of ECF No. 267-1. And notice must be given to the Attorney General of the United States as required by 28 U.S.C. § 1715.

4. The deadline is extended to November 24, 2020 for class members to file objections or comments on the settlement. Objections or comments submitted by class members themselves by mail should be submitted to prison authorities for mailing in time to allow receipt by the court by the November 24 deadline.

5. Any other remaining deadlines are extended 91 days.

6. By a separate notice, the clerk must reschedule the fairness hearing for December 4, 2020, at 10:00 a.m. The hearing will be conducted by video and audio, with class counsel participating by video, other attorneys, if any, participating by video, and class members participating by video or audio only to the extent feasible and consistent with prison officials' reasonable management

of their facilities. To be eligible to speak at the hearing, a class member must submit objections or comments in writing by the deadline in paragraph 4. For class members who have filed timely objections or comments and have indicated they wish to speak, the clerk of court will attempt to assist with logistics—but class members will be able to connect only to the extent consistent with prison officials' reasonable management of their facilities, and some may not be able to connect at all.

SO ORDERED on July 27, 2020.

s/Robert L. Hinkle
United States District Judge