

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LISA KRAGNES, et al.,)
)
 Plaintiffs,) Equity No. 49273

VS.)
)
CITY OF DES MOINES, IOWA,) RULING ON DEFENDANT'S
) SECOND MOTION TO DECERTIFY
 Defendant.) CLASS

FILED
POLK COUNTY, IA
2008 AUG 21 AM 10:35
CLERK DISTRICT COURT

Defendant's Second Motion to Decertify Class and Motion to View Financial Data came on before the Court on August 20th, 2008. Plaintiff was represented by attorneys Brad A. Schroeder and Bruce A. Stoltze. The City of Des Moines was represented by Deputy City Attorney Mark Godwin. After reviewing the file and listening to the arguments of counsel, the Court makes the following findings and ruling.

FINDINGS

1. The Court incorporates by reference herein, as if fully set out, the Court's findings in the Court's ruling on Defendant's First Motion to Decertify Class filed on July 7, 2008.
2. The information received by the Defendant from MidAmerican Energy clearly shows that the data on the number of customers given to the plaintiff by MidAmerican Energy was off by somewhere between 40,000 and 70,000 customer addresses. The original figure given to the Plaintiff was approximately 56,000 customers, and now it appears there would be 94,000 to 124,000 premises that would require class notice.
3. The increase in cost, if there were 94,000 premises, would be approximately \$24,745 and \$32,420 for 124,000 customers.
4. Notwithstanding a change in the aforementioned numbers, the Court finds that the financial information provided to the Court for an in camera inspection manifests the ability of Plaintiff's counsel to finance the processing of this class action in the interest of the class.
5. The Court finds that the Court is capable of determining, from its review of the personal financial data of Plaintiff's attorneys, that they have the financial wherewithal to proceed with this class action. Defendant's request for review of the financial data should be denied.

RULING

IT IS HEREBY ORDERED that Defendant's Motion to Decertify Class and a viewing of the financial data is denied.



JOEL D. NOVAK, JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

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