

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

SPENCER HECKATHORN, individually,)
and on behalf of all others similarly situated,)

Plaintiff,)

v.)

FARMERS INSURANCE EXCHANGE,)
et al.,)

Defendants.)

Case No.: 26SL-CC03879

Division 17

FILED
JUN 15 2026
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT

Plaintiff Spencer Heckathorn and Defendants Farmers Insurance Exchange, Farmers Insurance Company, Inc. and Fire Insurance Exchange (collectively “Farmers”) in the above-captioned litigation pending before the Court have entered into a settlement of the above-referenced matter after lengthy litigation, mediation and extensive, arms-length settlement negotiations.

Plaintiff has made an application, pursuant to Missouri Supreme Court Rule 52.08 for an order for Preliminary Approval of the settlement of this Action upon the terms and conditions set forth in the Settlement Agreement (“Agreement”);

The Court has reviewed and considered the Agreement and accompanying Exhibits, and the Plaintiff’s application for such an order and found good cause for same;

NOW, THEREFORE, IT IS HEREBY ORDERED:

A. The Settlement Class

1. Jurisdiction. The Court has jurisdiction over the Parties and the subject matter of the dispute, and the parties’ consent to this Court’s exercising of jurisdiction.

2. Conditional Certification of Settlement Class. Pursuant to Missouri Supreme Court Rule 52.08 and for purposes of the settlement only, the Court hereby certifies this action as a class action on behalf of the following Settlement Class:

From April 19, 2020 to the date of class certification, all persons: (1) who received two or more text messages or phone calls from Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone and their agencies during a 12-month period in connection with the marketing of Farmers' products or services; (2) whose number was registered on the Do Not Call Registry for more than 30 days at the time the calls or texts were received; and (3) whose number is registered to an individual and not a business. ("Settlement Class")

The Settlement Class consists of 12,545 class members identified in the files produced by third parties in the litigation. Excluded from the Settlement Class are Plaintiff's counsel, Farmers, as well as the officers, directors, and employees of Farmers and the immediate family members of such persons, and the members of the Missouri judiciary.

3. Appointment of Class Representative. Pursuant to Missouri Supreme Court Rule 52.08, the Court hereby finds that, for purposes of the Settlement, named plaintiff Spencer Heckathorn is a member of the Settlement Class and that, for Settlement purposes only, he adequately represents the interests of the Settlement Class Members. The Court hereby appoints Spencer Heckathorn as Class Representative of the Settlement Class.

4. Appointment of Class Counsel. Having considered the factors set forth in Missouri Supreme Court Rules 52.08, and having found counsel to be adequate, the Court hereby appoints Christopher E. Roberts and David T. Butsch of Butsch Roberts & Associates LLC, Jacob Ginsburg of Kimmel & Silverman, P.C. and Colton Richardson of Richardson Richardson Boudreaux as Class Counsel to represent the Settlement Class.

5. Settlement Administrator. The Court hereby approves the appointment of Atticus Administration, LLC, as Settlement Administrator.

6. Preliminary Findings. The Court, having conducted a preliminary assessment of the fairness, reasonableness, and adequacy of the Agreement, hereby finds that the Settlement falls within the range of reasonableness meriting further proceedings and possible final approval and dissemination of the Class Settlement Notice to the Settlement Class. The Court finds, preliminarily, that the elements of Rule 52.08 are satisfied. The Court hereby preliminarily approves the Agreement, and the terms and conditions of the Settlement set forth therein, subject to further consideration in the Final Approval Hearing described below.

B. The Final Approval Hearing

7. Pursuant to Rule 52.08 of the Missouri Supreme Court Rules, the Court will hold a Final Approval Hearing on **September 23, 2026, at 10:30 a.m.**, for the purposes of:

(a) Finally determining whether the Settlement Class meets all applicable requirements of Missouri Supreme Court Rule 52.08 and, thus, whether the litigation should be certified as a class action for purposes of effectuating the Settlement;

(b) Determining whether the Settlement on the terms and conditions set forth in the Agreement, is fair, just, reasonable, and adequate to the Settlement Class and should be approved by the Court;

(c) Considering the application of Class Counsel for an award of attorneys' fees and reimbursement of expenses, as provided for in the Agreement;

(d) Considering the application of the Class Representative for an Incentive Award;

(e) Reviewing objections, if any, regarding the Agreement;

(f) Determining the validity of Requests for Exclusion, if any, and excluding from the Settlement Class those Persons who validly and timely opted out;

(g) Considering whether the Court should enter an Order Approving Class Action Settlement and Final Judgment; and

(h) Ruling upon other matters as the Court may deem necessary and appropriate.

C. Objections to Settlement.

9. Objection Procedure. Any Settlement Class Member who intends to object to any aspect of the Settlement, including the requested Attorneys' Fees and Expenses, or Incentive Award, must do so on or before the Opt-Out and Objection Date of **August 27, 2026**. In order to object, the Settlement Class Member must file a written objection with the Court and serve them as set forth below. The Objection must include: (1) the name, address, telephone number, and email address of the Settlement Class Member who is objecting and, if represented by counsel, of his/her counsel; (2) proof of receipt of calls or text messages they received from Farmers, or agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone; (3) proof that the objector was the subscriber or primary user of the phone number that received the text messages and calls that are the subject of the Agreement; (4) the reasons for the Objection; and (5) a statement whether the objector intends to appear at the Final Approval Hearing, either with or without counsel. The Parties will have the same right to seek discovery from any objecting Settlement Class Member as they would if the objector was a party in this lawsuit, including the right to take the objector's deposition. Such discovery will be conducted on an expedited basis, and the objecting Settlement Class Member is required to respond and must appear for deposition within ten (10) business days, if a deposition is noticed. Settlement Class Members who fail to file and serve written Objections by the date set by the Court, as evidenced by postmark or other identifiable date of transmission, or fail to respond to discovery or make

themselves available for deposition, shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to this Agreement.

Such objection papers must be sent physically or electronically to the Settlement Administrator and/or:

Clerk of the Court St. Louis County Circuit Court 105 S. Central Avenue Clayton, MO 63105	Class Counsel Christopher E. Roberts Butsch Roberts & Associates LLC 7777 Bonhomme Avenue, Suite 1300 Clayton, MO 63105
Defense Counsel Brian Hays Troutman Pepper Locke 111 South Wacker Drive Chicago, IL 60606	

10. Appearance at Final Approval Hearing. Attendance at the Final Approval Hearing is not necessary; however, any person wishing to be heard orally with respect to approval of the Settlement, the application for Attorneys' Fees and Expenses, or the application for Plaintiff's Incentive Award, are required to provide written notice of their intention to appear at the Final Approval Hearing no later than the Opt-Out and Objection Deadline as set forth in the Class Settlement Notice. Persons who do not intend to oppose the Settlement, Attorneys' Fees and Expenses or Incentive Awards need not take any action to indicate their approval. A person's failure to submit a written objection in accordance with the Opt-Out and Objection Deadline and the procedure set forth in the Class Settlement Notice waives any right the person may have to object to the Settlement, Attorneys' Fees and Expenses, or Incentive Awards, or to appeal or seek other review of the Final Judgment or the Order Approving Class Action Settlement. Any Settlement Class Member may enter an appearance in the Action at his or her own expense,

individually or through counsel. All Settlement Class Members who do not enter an appearance will be represented by Class Counsel.

All papers in support of the Settlement and any application for an award of Attorneys' Fees and Expenses and/or Incentive Awards must be filed with the Court and served via the Court's electronic filing system at least seven (7) days prior to the Final Approval Hearing.

D. The Court Approves the Form and Method of Class Notices

11. Class Notices. The Court approves, as to form and content, the proposed Class Settlement Notice and Claim Form. The Court finds that the form of notice set forth in the Agreement is reasonably calculated to apprise Settlement Class Members of the pendency of the Action, their right to object to the proposed Settlement, opt out of the Settlement Class, or participate in the Settlement. The deadline to submit claims is **September 14, 2026**.

12. Distribution of Class Notices.

(a) The Court finds that the distribution of the Class Notices substantially in the manner and form set forth in the Agreement meets the requirements of Missouri Supreme Court Rule 52.08 and due process, is the best notice practicable under the circumstances, and constitutes due and sufficient notice to all persons entitled thereto;

(b) The Court directs Plaintiff, through the Settlement Administrator, to establish a Settlement website, making available copies of this Order, Class Notice, Claim Form, the Agreement and all Exhibits thereto, instructions on how to submit Claims, Orders of the Court pertaining to the Settlement, and such other information as may be of assistance to Settlement Class Members or required under the Agreement;

(c) The Settlement Administrator shall cause the notice to be disseminated to Settlement Class Members within fourteen days following preliminary approval; and,

(d) The Settlement Administrator shall file, through Class Counsel, with the Court a statement of compliance with the notice procedures set forth in the Agreement at least seven (7) days prior to the Final Approval Hearing.

E. Procedure for Requesting Exclusion from the Settlement Class

13. Any Person falling within the definition of the Settlement Class may, upon his or her request, be excluded from the Settlement Class. Any such Person must submit a completed Request for Exclusion, signed by the Person, to the Settlement Administrator post-marked or via e-mail on the date no later than the Opt-Out and Objection Date of **August 27, 2026**, as set forth in the Class Settlement Notice. Requests for Exclusion purportedly submitted on behalf of multiple Persons or classes of Persons are prohibited and will be deemed to be void. The Settlement Administrator shall provide copies of the completed Request for Exclusion to Class Counsel and Defense Counsel within three (3) days of receipt.

14. Any Settlement Class Member who does not send a completed, signed Request for Exclusion post-marked on or before the Opt-Out and Objection Deadline will be deemed to be a member of the Settlement Class for all purposes and will be bound by all further orders of the Court in this Action and by the terms of the Settlement, if finally approved by the Court. All Persons who submit valid and timely Requests for Exclusion in the manner set forth in the Agreement shall have no rights under the Agreement and shall not be bound by the Settlement or the Final Judgment and the Order Approving Class Action Settlement.

F. Miscellaneous Provisions

15. Stay. Pending final determination of whether the Settlement should be approved, all discovery and all proceedings in the litigation unrelated to the approval of the Settlement, the application for Attorneys' Fees and Expenses, and the Application for Incentive Award are stayed.

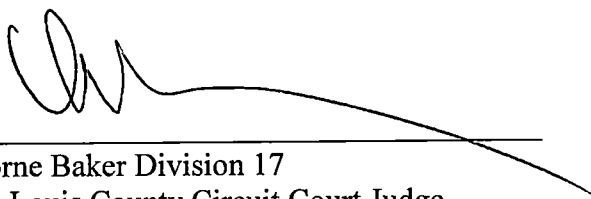
16. Termination of Settlement. This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing immediately before this Court entered this Order, if the settlement is terminated in accordance with the Agreement.

17. Use of Order. This Order shall not be used by any Party or otherwise or construed as an admission, concession, or a presumption by or against either Party of any fault, wrongdoing, failure of disclosure, improper or illegal business practice or waiver of any claim or defense that he, she, or it may have in the event the Agreement is terminated. In the event that this Order becomes of no force or effect, it shall not be construed or used as an admission, concession or presumption by or against the Defendant, the Plaintiff, or the Class.

18. Jurisdiction. The Court retains exclusive jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

IT IS SO ORDERED:

Dated: June 15, 2026



Lorne Baker Division 17
St. Louis County Circuit Court Judge