

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**MARTIN ZAKARIAN, and)
MARY JONES, on behalf of themselves and)
those similarly situated,)**

Plaintiffs,)

v.)

**THE RAWLINGS COMPANY LLC,)
RAWLINGS FINANCIAL SERVICES, LLC,)
and RAWLINGS & ASSOCIATES, PLLC,)**

Defendants.)

Case No.: 4:24-cv-00229

RENEWED JOINT NOTICE PLAN

Plaintiffs Martin Zakarian and Mary Ann Jones (collectively “Plaintiffs”) and Defendants The Rawlings Company LLC (“Rawlings Company”), Rawlings Financial Services, LLC (“Rawlings Financial”), and Rawlings & Associates, PLLC (“Rawlings & Associates”) (collectively, “Rawlings” or “Defendants”), by and through the undersigned attorneys, propose the following class member notice plan and notice forms for Court approval. In support, Plaintiffs state as follows:

I. INTRODUCTION

On August 15, 2025, this Court granted Plaintiff’s Motion for Class Certification and certified two classes. *See* Order granting class certification (Doc. 123). The classes are defined as:

- 1) All Missouri citizens, represented by counsel, who resolved any lawsuit, claim, or cause of action in their favor since January 1, 2019 where Defendants recovered a lien or subrogation interest on behalf of a Medicare Advantage Organization without reducing the amount of the lien or subrogation interest to offset for procurement costs.
- 2) All Kansas citizens, represented by counsel, who resolved any lawsuit, claim, or cause of action in their favor since January 1, 2021 where Defendants

recovered a lien or subrogation interest on behalf of a Medicare Advantage Organization without reducing the amount of the lien or subrogation interest to offset for procurement costs.

Based on the information provided to Class Counsel by Rawlings, there are several thousand people who may be in either the Missouri class or the Kansas class.

The parties filed their original Joint Notice Plan on April 17, 2026 (Doc. 152). After additional briefing on the notice administrator, the Court approved plaintiffs' proposed class notice administrator (Doc. 160), but did not address the notice plan itself, or the form of notice to be provided to class members. The parties now move the Court for approval of the notice plan and form of notice.

II. LEGAL STANDARD FOR NOTICE

The class was certified pursuant to Federal Rule of Civil Procedure 23(a) and 23(b) (3). *Id.* Under Federal Rule of Civil Procedure 23(c)(2)(B), “the Court must direct to class members, the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort” in cases certified under Rule 23(b)(3).

As set forth below, the parties propose that notice be provided to Missouri and Kansas class members via direct notice sent by regular mail.

III. PROPOSED FORM OF NOTICE

The parties have attached hereto as Exhibit 1 the proposed class notice to be mailed to all class members (the “Class Notice”). The Class Notice satisfies the requirements of Federal Rule of Civil Procedure 23(c)(2) in that it provides class members:

- (i) the nature of the action;
- (ii) the definition of the class certified;
- (iii) the class claims, issues, or defenses;

- (iv) that a class member may enter an appearance through an attorney if the member so desires;
- (v) that the court will exclude from the class any member who requests exclusion;
- (vi) the time and manner for requesting exclusion; and
- (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

Importantly, the Class Notice also directs class members to a dedicated website where they can obtain additional information. In that regard, the parties have also attached hereto as Exhibit 2 the proposed long-form class notice to be available to class members via the dedicated website (the “Web Notice”). The Web Notice provides an even more thorough, detailed explanation of the litigation so that class members can make an educated decision on whether they will elect to opt-out of this litigation.

IV. NOTICE PLAN

1. Subject to the requirements of any orders entered by the Court, and no later than forty-five (45) days after the Court approves the class notice plan, the notice administrator will mail the Class Notice by first-class mail to the addresses on the notice list. If more time is needed to prepare the notice list and mail the Class Notice, the parties will agree on another date for mailing the Class Notice and advise the Court, unless otherwise ordered by the Court.

2. The mailing of the Class Notice to a person or entity that is not in the class shall not render such person or entity a part of the class, or otherwise entitle such person to participate in the litigation.

3. Plaintiffs will deliver the class notice list to the notice administrator within twenty-one (21) days following approval of the class notice plan. This notice list shall be designated confidential information.

4. The notice administrator will run an update of the last known addresses provided by Defendants through the National Change of Address database before mailing the Class Notice. If a Class Notice is returned to the administrator as undeliverable, the administrator will: (i) re-mail the Class Notice returned with a forwarding address; and (ii) make reasonable attempts to find an address for any returned Class Notice that does not include a forwarding address. The administrator will re-mail the Class Notice to every person and entity in the notice list for which it obtains an updated address.

5. Within seven (7) days after the notice date, the administrator shall provide the parties with one or more declarations confirming that notice was completed in accordance with the parties' instructions and the Court's order approving the notice plan. Class counsel shall file such declaration(s) with the Court.

6. The administrator will establish, maintain, and update the dedicated class notice website mentioned above to provide relevant information to the class, including links to the Web Notice

7. The Class Notice shall advise members of the Class of their right to opt out of the Litigation and the manner required to do so. Specifically, class members may opt out of this litigation by serving a written notice on the administrator postmarked no later than sixty (60) days after the Notice Date, or such other date determined by the Court. The administrator shall notify the Parties of the receipt of any written opt-out notice.

8. To be in proper form, the opt-out notice must include: (i) the member of the Class's full name, current address, telephone number, e-mail address (ii) a clear statement that he, she, they, or it elects to be excluded from the class and does not want to participate in the litigation;

and (iii) be signed by the member or by a person providing a valid power of attorney to act on behalf of the member.

9. Every class member that does not file a timely and proper written opt-out notice will be bound by all subsequent proceedings, orders, and judgments in this action.

WHEREFORE, Plaintiffs Martin Zakarian and Mary Ann Jones and Defendants The Rawlings Company LLC, Rawlings Financial Services, LLC, and Rawlings & Associates, PLCC pray the Court for an order approving the parties' joint notice plan and the proposed class notices, and for such other and further relief the Court deems proper.

Respectfully Submitted,

/s/ Joseph A. Kronawitter

Joseph A. Kronawitter MO Bar No. 49280

Taylor P. Foye MO Bar No. 71527

HORN AYLWARD & BANDY, LC

2600 Grand Boulevard, Suite 1100

Kansas City, MO 64108

Telephone: (816) 421-0700

Facsimile: (816) 421-0899

jkronawitter@hab-law.com

tfoye@hab-law.com

-and-

Brian T. Meyers MO Bar No. 32626

Brian C. McCart MO Bar No. 61852

THE LAW OFFICES OF

BRIAN TIMOTHY MEYERS

1044 Main Street, Suite 400

Kansas City, Missouri 64105

Telephone: (816) 842-0006

Facsimile: (816) 842-6623

btmeyers@btm-law.com

bmccart@btm-law.com

Attorneys for Plaintiffs

/s/ Traci L. Martinez

Traci L. Martinez (MO Bar No. 67628)
Kathryn Brown (admitted *pro hac vice*)
SQUIRE PATTON BOGGS (US) LLP
2000 Huntington Center
41 South High Street
Columbus, OH 43215
Telephone: 614.365.2807
Email: traci.martinez@squirepb.com
kathryn.brown@squirepb.com

F. Maximilian Czernin (admitted *pro hac vice*)
SQUIRE PATTON BOGGS (US) LLP
201 E 4th St #1900
Cincinnati, OH 45202
Telephone: 513.361.1200
Email: max.czernin@squirepb.com

Shing C. Tse (admitted *pro hac vice*)
SQUIRE PATTON BOGGS (US) LLP
600 Travis Street, Suite 6700
Houston, TX 77002
Telephone: 713.546.5850
Email: shing.tse@squirepb.com

Attorneys for Defendants
The Rawlings Company LLC,
Rawlings Financial Services, LLC, and
Rawlings & Associates, PLLC

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send a notice of electronic filing to all person registered for ECF as of that date.

/s/ Joseph A. Kronawitter
Attorney