

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No. 12-22330-CIV-SEITZ

PHYSICIANS HEALTHSOURCE, INC.,

Plaintiff,

v.

DOCTOR DIABETIC SUPPLY, LLC;  
GEORGE T. HEISEL; DDS HOLDINGS, INC.;  
SANARE, LLC; and JOHN DOES 1-10,

Defendants.

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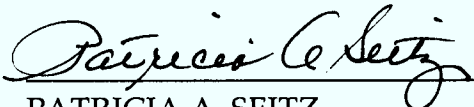
**ORDER DENYING PRELIMINARY APPROVAL OF SETTLEMENT**

In this case, Plaintiffs assert claims for violation of the Telephone Consumer Protection Act and for conversion arising out of two unsolicited fax advertisements sent by Defendants. This matter is now before the Court on Plaintiffs' motion for preliminary approval [DE-126], which seeks the Court's approval of a settlement in which Doctor Diabetic Supply, LLC ("DDS") stipulates to a judgment but allows the class to seek recovery only from DDS's indemnifiers and insurers. The Court will not approve a settlement with such an uncertain recovery. Accordingly, it is

ORDERED that

Plaintiffs' Motion for Preliminary Approval [DE-126] is DENIED.

DONE AND ORDERED in Miami, Florida, this 20<sup>th</sup> day of August, 2014.

  
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PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE