

194 Fed.Appx. 715

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Not for Publication in West's Federal Reporter See
Fed. Rule of Appellate Procedure 32.1 generally
governing citation of judicial decisions issued on or
after Jan. 1, 2007. See also Eleventh Circuit Rules
36-2, 36-3. (Find CTA11 Rule 36-2 and Find CTA11
Rule 36-3)

United States Court of Appeals,
Eleventh Circuit.

Judith HANEY, et al., Plaintiffs,
Ann Martin, Plaintiffs-Appellants,

v.

MIAMI-DADE COUNTY, et. al.,
Defendants-Appellees.

No. 05-16266 | Non-Argument Calendar. | Aug. 30,
2006.

Attorneys and Law Firms

Hugh L. Koerner, Ft. Lauderdale, FL, for
Plaintiffs-Appellants.

Craig Edward Leen, Miami-Dade County Attorney's
Office, Miami, FL, for Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Florida. D.C. Docket No.
04-20516-CV-AJ.

Before TJOFLAT, ANDERSON and BARKETT, Circuit
Judges.

Opinion

PER CURIAM:

*1 Ann Martin, a plaintiff in instant class action suit, appeals from the district court's denial of her motion, filed after the bar date, to opt out of a class action settlement in the above entitled matter. Martin argues that the district court abused its discretion in determining that she was a member of the class, and in denying her motion to opt out despite the fact that, according to Martin, the defendants would not be prejudiced by the relief if the court permitted her to opt out after the bar date.

Martin has specifically referred to herself as a "class member" in her pleadings in the instant case, and her failure to opt out of the class settlement before the bar date was not a result of any form of excusable neglect. Both Martin and her legal counsel were aware of the relevant bar date and simply failed to execute the necessary procedures to opt out of the class settlement. We conclude that the district court did not abuse its discretion in denying Ms. Martin's untimely motion to opt out of the class settlement. The judgment of the district court is

AFFIRMED.

Parallel Citations

2006 WL 2494412 (C.A.11 (Fla.))