

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHARON M. WHITFORD, on behalf of herself	)	
and others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:15-cv-400
v.	)	Honorable Janet T. Neff
	)	
WEBER & OLCESE, P.L.C.,	)	
	)	
Defendant.	)	
_____	)	

**FINAL ORDER AND JUDGMENT**

Sharon M. Whitford (“Plaintiff”) and Weber & Olcese, P.L.C. (“Defendant”) have reached a proposed settlement, and accordingly seek final approval of their settlement under Rule 23(e) of the Federal Rules of Civil Procedure.

On September 21, 2015, this Court granted Plaintiff’s unopposed motion to preliminarily approve the class action settlement. *Whitford v. Weber & Olcese, P.L.C.*, Civil Action No. 1:15-cv-400, 2015 WL 5607659, at \*2 (W.D. Mich. Sept. 21, 2015). On October 15, 2015, administrator First Class, Inc. distributed notice of the class action settlement, in accordance with the Court’s order preliminarily approving the settlement. No class members have objected to any part of the settlement.

On January 11, 2016, this Court held a fairness hearing regarding the parties’ class action settlement. Having considered Plaintiff’s unopposed motion for final approval of the class action settlement, this Court approves Plaintiff’s and Defendant’s settlement as fair, reasonable, and adequate under Rule 23(e) of the Federal Rules of Civil Procedure.

The Court also finds that this matter meets the requirements for class certification under Federal Rule of Civil Procedure 23. *See Date v. Sony Electronics, Inc.*, No. 07-15474, 2013 WL 3945981, at \*3 (E.D. Mich. July 31, 2013) (approving class action settlement).

The Court finds that the settlement of the lawsuit, on the terms and conditions set forth in the Settlement Agreement, is in all respects fundamentally fair, reasonable, adequate, and in the best interest of the Class Members when considering the following factors: (1) the risk of fraud or collusion; (2) the complexity, expense and likely duration of the litigation; (3) the amount of discovery engaged in by the parties; (4) the likelihood of success on the merits; (5) the opinions of class counsel and class representatives; (6) the reaction of absent class members; and (7) the public interest. *UAW v. Gen. Motors Corp.*, 497 F.3d 615, 631 (6th Cir. 2007).

Pursuant to Fed. R. Civ. P. 23(b)(3), this Court certifies the following settlement class:

All persons with Michigan addresses to whom Weber & Olcese, P.L.C. mailed an initial debt collection communication that stated: “If you notify this firm within thirty (30) days after your receipt of this letter, that the debt or any portion thereof, is disputed, we will obtain verification of the debt or a copy of the judgment, if any, and mail a copy of such verification or judgment to you,” between April 15, 2014 and August 26, 2015, in connection with the collection of a consumer debt on behalf of Bank of America, N.A.

Excluded from the class is:

- a. Any person who is already subject to an existing release;
- b. Any person who is deceased;
- c. Any person who has filed for bankruptcy protection under Title 11 of the United States Code; and
- d. Any Class Member who timely mails a request for exclusion.

The Class Period runs from April 15, 2014 through August 26, 2015.

This Court appoints Sharon M. Whitford as class representative, and the following attorney and law firm as class counsel:

Michael L. Greenwald  
Greenwald Davidson Radbil PLLC  
5550 Glades Road, Suite 500  
Boca Raton, Florida 33431

*See, e.g., Prater v. Medicredit, Inc.*, No.: 4:14-cv-00159-ERW, 2015 WL 8331602, at \*2 (E.D. Mo. Dec. 7, 2015) (appointing Greenwald Davidson Radbil PLLC as class counsel); *McWilliams v. Advanced Recovery Systems, Inc.*, --- F.R.D. ----, 2015 WL 6686211, at \*2 (S.D. Miss. Nov. 3, 2015) (same); *Jones v. I.Q. Data Int'l, Inc.*, Case 1:14-cv-00130-PJK-GBW, 2015 WL 2088969, at \*2 (D.N.M. Apr. 21, 2015) (same); *Rhodes v. Olson Associates, P.C.*, No. 14-CV-00919-CMA-MJW, 2015 WL 1136176, at \*14 (D. Colo. Mar. 13, 2015) (same); *Roundtree v. Bush Ross, P.A.*, 304 F.R.D. 644 (M.D. Fla. 2015) (same), *reconsideration denied sub nom. Roundtree v. Bush Ross, P.A.*, No. 8:14-CV-357-T-27AEP, 2015 WL 1931103 (M.D. Fla. Apr. 28, 2015); *Donnelly v. EquityExperts.org, LLC*, No. 4:13-CV-10017-TGB, 2015 WL 249522, at \*2 (E.D. Mich. Jan. 14, 2015) (same).

This Court approves the terms of the class action settlement, the material terms of which include, but are not limited to:

Defendant will establish a settlement fund in the amount of \$4,460.00. Out of the settlement fund, Defendant will pay each Class Member who did not exclude him or herself a total of \$10.00.

Separately, Defendant will pay all costs and expenses of administering the class action settlement and providing notice to Class Members.

Separately, Defendant will pay \$1,000.00 to Plaintiff Sharon M. Whitford in statutory damages for her claims under the FDCPA.

Separately, the Court approves Class Counsel's request for an award of attorneys' fees and expenses. *See Ramey v. Cincinnati Enquirer, Inc.*, 508 F.2d 1188, 1196 (6th Cir. 1974) (noting that courts are to weigh six factors: (1) the value of the benefits rendered to the class; (2) society's stake in rewarding attorneys who produce such benefits in order to maintain an incentive to others; (3) whether the services were undertaken on a contingent fee basis; (4) the value of the services on an hourly basis; (5) the complexity of the litigation; and (6) the professional skill and standing of counsel on both sides). Accordingly, Defendant will pay an award of attorneys' fees to Class Counsel, and reimbursement of Class Counsel's litigation expenses, in the total amount of \$30,000.00.

This Court additionally finds that the parties' notice of class action settlement, and the distribution thereof, satisfied the requirements of due process under the Constitution and Federal Rule of Civil Procedure 23(e), that it was the best practicable under the circumstances, and that it constitutes due and sufficient notice to all persons entitled to notice of class action settlement. This Court similarly finds that the parties' notice of class action settlement was adequate and gave all Class Members sufficient information to enable them to make informed decisions as to the parties' proposed settlement, and the right to object to, or opt-out of, it.

This Court finds that the Class Members were given a fair and reasonable opportunity to object to the settlement. No Class Member objected to the settlement, and three Class Members excluded themselves from the settlement.

This order is binding on the class representative and all Class Members, except for Irene

Pecaric, Lesa J. Werme, and Mark K. Petersen, each of whom timely and validly excluded themselves from the settlement.

This Court approves the individual and class releases set forth in the parties' class action settlement agreement, and the released claims are consequently compromised, settled, released, discharged, and dismissed with prejudice by virtue of these proceedings and this order.

This action is dismissed with prejudice as to all other issues and as to all parties and claims.

This court retains continuing and exclusive jurisdiction over the parties and all matters relating this matter, including the administration, interpretation, construction, effectuation, enforcement, and consummation of the settlement and this order.

IT IS SO ORDERED.

Dated: January 11, 2016

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge