



Pursuant to Fed. R. Civ. P. 23(b)(3) and in accordance with Fed. R. Civ. P. 23(e), the Lawsuit is hereby preliminarily certified, for settlement purposes only, as a class action on behalf of the following class (the “Class Members”) with respect to the claims asserted in the Lawsuit:

All persons (a) with a Louisiana address, (b) to whom Forster & Garbus LLP mailed an initial written communication not known to be returned as undeliverable, (c) in connection with the collection of a consumer debt, (d) between February 4, 2018 and February 4, 2019, (e) that included a minimum amount due date that was within 30 days of the date of the initial written communication.

Based upon investigation, Defendant believes there are 289 Class Members, including Plaintiff.

Pursuant to Fed. R. Civ. P. 23, the Court appoints Myrle S. Leboeuf as the Class Representative. The Court also appoints James L. Davidson of Greenwald Davidson Radbil PLLC as Class Counsel. *See, e.g., Dickens v. GC Servs. Ltd. P’ship.*, No: 8:16-cv-803-T-30TGW, 2019 WL 311335, at \*1 (M.D. Fla. Jan. 24, 2019).

The Court preliminarily finds that the Lawsuit satisfies the applicable prerequisites for class action treatment under Fed. R. Civ. P. 23, for purposes of settlement only, namely:

- A. The Class Members are so numerous that joinder of all of them in the Lawsuit is impracticable;
- B. There are questions of law and fact common to the Class Members, which predominate over any individual questions;
- C. Plaintiff’s claims are typical of the claims of the Class Members;
- D. Plaintiff and Class Counsel have fairly and adequately represented and protected the interests of all Class Members; and
- E. Class treatment of these claims will be efficient and manageable, thereby achieving an appreciable measure of judicial economy, and a class action is superior to other available methods for a fair and efficient adjudication of this controversy.

The Court preliminarily finds that the settlement of the Lawsuit, on the terms and conditions set forth in the Agreement, is in all respects fundamentally fair, reasonable, adequate, and in the best interest of the Class Members, especially in light of the benefits to the Class Members; the strengths and weaknesses of Plaintiff's case and Defendant's defenses; the anticipated complexity, duration and expense of additional litigation; the risk and delay inherent in possible appeals; the limited amount of any potential total recovery for the Class, given Defendant's net worth and the cap on statutory damages for claims brought under the FDCPA; and the opinion of Class Counsel, who are highly experienced in this area of class action litigation. *See Cobb v. Edward F. Bukaty, III, PLC*, No. 15-335, 2016 WL 4925165, at \*3 (M.D. La. Sept. 14, 2016) (granting preliminary approval to class action settlement under the FDCPA).

A third-party class administrator acceptable to the parties will administer the settlement and notification to Class Members. The class administrator will be responsible for mailing the approved class action notice and settlement checks to the Class Members. Upon the recommendation of the parties, the Court appoints the following class administrator: First Class, Inc.

The Court approves the form and substance of the Notice of Class Action Settlement attached to the Agreement as Exhibit C. The proposed form and method for notifying Class Members of the settlement and its terms and conditions meet the requirements of Fed. R. Civ. P. 23(c)(2)(B) and due process, constitutes the best notice practicable under the circumstances, and constitutes due and sufficient notice to all persons entitled to the notice. The Court finds that the proposed notice plan is clearly designed to advise the Class Members of their rights. In accordance with the Agreement, the class administrator will mail the notice to the Class Members as expeditiously as possible, but in no event later than 21 days after the Court's entry of this order, *i.e.*, **no later than Friday, April 3, 2020**. The class administrator will confirm, and if necessary, update the addresses for the Class Members through standard methodology that the class

administrator currently uses to update addresses.

Any Class Member who desires to be excluded from the class must send a written request for exclusion to the class administrator with a postmark date no later than 60 days after the Court's entry of this order, *i.e.*, **no later than Tuesday, May 12, 2020**. To be effective, the written request for exclusion must state the Class Member's full name, address, telephone number, and email address (if available), along with a statement that the Class Member wishes to be excluded. Any Class Member who submits a valid and timely request for exclusion will not be bound by the terms of the Settlement Agreement.

Any Class Member who intends to object to the fairness of this settlement must file a written objection with the Court within 60 days after the Court's entry of this order, *i.e.*, **no later than Tuesday, May 12, 2020**. Further, any such Class Member must, within the same time period, provide a copy of the written objection to: James L. Davidson, Greenwald Davidson Radbil PLLC, 7601 N. Federal Hwy., Suite A-230, Boca Raton, FL 33487 and Ashley L. Belleau, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard,, 601 Poydras Street, Suite 2775, New Orleans, LA 70130.

To be effective, a notice of intent to object to the settlement must:

- (a) Contain a heading which includes the name of the case and case number;
- (b) Provide the name, address, telephone number and signature of the Class Member filing the objection;
- (c) Be filed with the Clerk of the Court no later than 60 days after the Court preliminarily approves the settlement;
- (d) Be sent to Class Counsel and Defendant at the addresses designated in the Notice by first-class mail, postmarked no later than 60 days after the Court preliminarily approves the settlement;
- (e) Contain the name, address, bar number and telephone number of the objecting Class Member's counsel, if represented by an attorney. If the Class Member is represented by an attorney, he/she must comply with all applicable laws and rules for filing pleadings and documents in the U.S. District Court for the Eastern District of Louisiana;

- (f) Contain a statement of the specific basis for each objection;
- (g) Contain evidence demonstrating that the objector is a member of the class;
- (h) Contain a list of any legal authority the objector will present at the Final Approval Hearing; and
- (i) Contain a statement as to whether he or she intends to appear at Final Approval Hearing.

Any Class Member who has timely filed an objection may appear at the Final Approval Hearing, in person or by counsel, and be heard to the extent allowed by the Court, applying applicable law, in opposition to the fairness, reasonableness and adequacy of the settlement, and on the application for an award of attorneys' fees and costs. The right to object to the settlement must be exercised individually by a Class Member, not as a member of a group or subclass and, except in the case of a deceased, minor, or incapacitated Class Member, not by the act of another person acting or purporting to act in a representative capacity.

The Court will conduct a hearing on **Thursday, July 2, 2020, at 10:30 a.m.** at the United States District Court, Eastern District of Louisiana, 500 Poydras Street, New Orleans, LA 70130, to review and rule upon the following issues:

- A. Whether this action satisfies the applicable prerequisites for class action treatment for settlement purposes under Fed. R. Civ. P. 23;
- B. Whether the proposed settlement is fundamentally fair, reasonable, adequate, and in the best interest of the Class Members and should be approved by the Court;
- C. Whether a Final Order and Judgment, as provided under the Settlement Agreement, should be entered, dismissing the Lawsuit with prejudice and releasing the Released Claims against the Released Parties; and
- D. To discuss and review other issues as the Court deems appropriate.

Attendance by Class Members at the Final Approval Hearing is not necessary. Class Members need not appear at the hearing or take any other action to indicate their approval of the proposed class action settlement. Class Members wishing to be heard are, however, required to appear at the Final Approval Hearing. The Final Approval Hearing may be postponed, adjourned, transferred, or continued without further notice to the Class Members.

The Agreement and this Order will be null and void if any of the following occur:

- A. The Agreement is terminated by any of the Parties because any specified material condition to the settlement set forth in the Agreement is not satisfied and the satisfaction of such condition is not waived in writing by the Parties;
- B. The Court rejects any material component of the Agreement, including any amendment thereto approved by the Parties; or
- C. The Court approves the Agreement, including any amendment thereto approved by the Parties, but such approval is reversed on appeal and such reversal becomes final by lapse of time or otherwise.

The Court retains continuing and exclusive jurisdiction over the action to consider all further matters arising out of or connected with the settlement, including the administration and enforcement of the Settlement Agreement.

The Court sets the following schedule:

<b><u>Date</u></b>	<b><u>Event</u></b>
March 13, 2020	Preliminary Approval Order Entered
April 3, 2020	Notice Sent (21 days after entry of Preliminary Approval Order)
May 12, 2020	Deadline to Send Exclusion or File Objection (60 days after entry of Preliminary Approval Order)
May 27, 2020	Motion for Final Approval Filed (75 days after entry of Preliminary Approval Order)

May 27, 2020 Motion for Attorneys' Fees, Litigation Costs, and Expenses Filed  
(75 days after entry of Preliminary Approval Order)

June 10, 2020 Opposition to Motion for Final Approval and Opposition to  
Attorney Fees Award Filed (89 days after entry of Preliminary  
Approval Order)

June 17, 2020 Replies to Opposition to Motion for Final Approval and  
Opposition to Attorney Fees Award Filed (96 days after entry  
of Preliminary Approval Order)

July 2, 2020, at 10:30 a.m. Final Approval Hearing Held

New Orleans, Louisiana, this the 13th day of March, 2020.

  
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WENDY B. VITTER  
UNITED STATES DISTRICT JUDGE