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Class Counsel

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KAREN SOLBERG, NANCY MORIN, and NARISHA
BONAKDAR, on their own behalf and on behalf
of others similarly situated,

Plaintiffs,

v.

VICTIM SERVICES, INC., d/b/a
CorrectiveSolutions, NATIONAL CORRECTIVE
GROUP, INC., d/b/a CorrectiveSolutions,
AMERICAN JUSTICE SOLUTIONS, INC., d/b/a
CorrectiveSolutions, BIRCH GROVE HOLDINGS,
INC., MATS JONSSON and KARL THOMAS
JONSSON,

Defendants.

NO. 3:14-cv-05266-VC

~~[PROPOSED]~~ ORDER APPROVING NOTICE
OF A PROPOSED CLASS ACTION
SETTLEMENT **AS MODIFIED**

Honorable Vince Chhabria

CLASS ACTION

DEMAND FOR TRIAL BY JURY

The Court previously certified two Classes and appointed Plaintiffs Karen Solberg, Nancy Morin, and Narisha Bonakdar as representatives of the Classes (Dkt. No. 297). Plaintiffs and Defendants Victim Services, Inc., d/b/a CorrectiveSolutions, National Corrective Group,

~~[PROPOSED]~~ ORDER APPROVING NOTICE OF A PROPOSED CLASS ACTION
SETTLEMENT - 1

CASE No. 3:14-cv-05266-VC

Inc., d/b/a CorrectiveSolutions, American Justice Solutions, Inc., d/b/a CorrectiveSolutions, Birch Grove Holdings, Inc., Mats Jonsson, and Karl Thomas Jonsson have reached a proposed settlement of the Classes' claims. Plaintiffs move for approval of notice to the Classes of the proposed class action settlement. Fed. R. Civ. P. 23(e)(1)(A). The terms of the settlement are set forth in the Settlement Agreement and Release attached as Exhibit 1 to the Declaration of Beth E. Terrell in support of Plaintiffs' motion for approval of notice of a proposed class action settlement.

The Court has read and considered the Settlement Agreement, the exhibits attached thereto, and the briefing submitted in support of approval of notice of the settlement and is fully advised. All capitalized terms not otherwise defined in this Order shall have the same meaning as defined in the Settlement Agreement.

THEREFORE, THE COURT FINDS AND CONCLUDES AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of this Action and personal jurisdiction over the Parties and the Classes.

2. The Court finds that (a) the Settlement Agreement resulted from extensive arm's-length negotiations, with supervision by Magistrate Judge Laurel Beeler, and (b) the Settlement Agreement is sufficient to warrant notice thereof to members of the Classes and the Final Approval Hearing described below.

3. The Court previously certified the following Classes under Rule 23(b)(3):

FDCPA Class: All persons in California to whom the defendants sent a collection demand in connection with a returned check from whom the defendants attempted to collect or collected money for checks written for personal, family, or household purposes, from December 1, 2013, to May 7, 2015.

UCL Class: All persons in California to whom the defendants sent an initial collection demand in connection with a returned check at any time from September 1, 2011, to May 7, 2015, and who subsequently paid any fees to the defendants in response to that letter.

Dkt. No. 297 at 1, 4.

4. The Court preliminarily finds that the Settlement Agreement is fundamentally fair, adequate, and reasonable based on the relative strengths and weaknesses of the Classes' claims and risks to the Classes of continuing through trial.

5. The Court appoints JND Class Action Administration as the administrator of the settlement, who shall fulfill the functions, duties, and responsibilities of the Settlement Administrator as set forth in the Settlement Agreement and this Order.

6. The Court approves the proposed forms of notice attached as Exhibits 2 and 3 to the Plaintiffs' supplemental submission regarding preliminary approval (Dkt. No. 405) and the plan for giving direct notice to the Class by email and U.S. Mail as set forth in the Settlement Agreement. The Notice Plan, in form, method, and content, fully complies with the requirements of Rule 23 and due process, constitutes the best notice practicable under the circumstances, and is due and sufficient notice to all persons entitled thereto. The Court finds the Notice Plan is reasonably calculated to, under all circumstances, reasonably apprise the Class members of the pendency of this action, the terms of the Agreement, the right to object to the settlement, and how to exclude themselves from the Settlement Classes.

7. Pursuant to the Agreement, the Settlement Administrator shall provide individual notice via email to the Class members whose email addresses are available from records produced by Defendants, provided to Class Counsel, or identified by the Settlement Administrator as a result of the Initial Class Notice sent to the Classes. The Settlement Administrator shall provide individual notice by U.S. mail to the most recent address for all Class members, as updated by the Settlement Administrator through the National Change of Address system or a similar database, no later than May 10, 2021 (the "Settlement Notice Date"), which is 45 days after entry of this Order. The Settlement Administrator shall update the case website within 14 days after entry of this Order.

The parties must fix the typo in the settlement amount on the back of the postcard.

8. Members of the Classes may participate in the Settlement and receive Settlement Awards by submitting a complete Claim Form by July 9, 2021, within 60 days after the Settlement Notice Date. Claim forms may be submitted online or by mail and shall be deemed complete if it includes information sufficient to permit the Settlement Administrator to distribute a settlement payment to the Class member and there is no reason to doubt its authenticity. The Court approves the form of the Claim Form attached as Exhibit D to the Settlement Agreement.

9. Members of the Classes may exclude themselves from the Settlement Classes by submitting online or mailing to the Settlement Administrator a written request no later than July 9, 2021 (“Opt-Out Deadline”), which is 60 days after the Settlement Notice Date. All requests must be signed, and if mailed, must be postmarked no later than the Opt-Out Deadline.

10. Any Settlement Class Member who desires to object to the fairness of this settlement should file a written objection with the Court by July 9, 2021 (“Objection Deadline”), which is 60 days after the Settlement Notice Date. The written objection should include the case name and number, the objector’s name, address, and telephone number, and the reason(s) for the objection.

11. Anyone who properly objects may appear at the Final Approval Hearing, including through an attorney hired at the objector’s expense. Objectors or their attorneys intending to appear at the Final Approval Hearing must file a notice of appearance with this Court no later than ten days prior to the Final Approval Hearing. The Court may allow a Class Member who substantially complies with the requirements of this section or shows good cause for failing to comply with the requirements of this section to appear at the Final Approval Hearing and object. Class Counsel shall file responses to any valid objections no later than 14 days prior to the Final Approval Hearing. Defendants’ counsel also may file responses, but no later than 14 days prior to the Final Approval Hearing.

12. Pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure, a hearing will be held before this Court to determine whether the settlement is fair, reasonable, and adequate, and should be approved by this Court; to determine whether the Final Approval Order and Final Judgment under this settlement should be entered; to consider the application for attorneys' fees and expenses of Class Counsel; to consider the application for a service award and statutory damages award to the Representative Plaintiffs; to consider the distribution of the Settlement Fund pursuant to the Settlement Agreement; and to rule on any other matters that the Court may deem appropriate. At the Final Approval Hearing, the Court may enter a Final Approval Order and Final Judgment in accordance with the Settlement Agreement that will adjudicate the rights of the Settlement Class Members.

13. Defendants' insurers are ordered to comply with the Settlement Agreement by paying \$1,100,000 to the Settlement Administrator within 30 calendar days after entry of this Order. The Settlement Administrator shall hold the funds as a qualified settlement fund.

14. The Final Approval Hearing is scheduled for August 5, 2021 at 2 p.m. before the Honorable Vince Chhabria via Zoom video conference. Instructions for participating in the hearing remotely will be available on the Court's website: <https://www.cand.uscourts.gov/judges/chhabria-vince-vc/>. The Court may change the date for the Final Approval Hearing. If the Court changes the hearing date, notice of such change shall be posted on the settlement website.

15. All memoranda and other submissions in support of the Final Approval Order and Final Judgment and this settlement shall be filed no later than 14 days prior to the Final Approval Hearing.

16. All notice and settlement administration expenses shall be paid from the Settlement Fund pursuant to the Settlement Agreement.

17. On or before 30 days after the Settlement Notice Date, Class Counsel shall file and serve an application for an award of attorneys' fees and reimbursement out-of-pocket

costs, and an application for service awards and statutory damages awards to the Class Representatives. The application shall be posted on the Settlement Website within one business day after it is filed.

18. All members of the Classes will be bound by all orders pertaining to the settlement unless they request exclusion from the Classes. Settlement Class Members who do not timely and validly request exclusion shall be so bound, even if they have previously or subsequently initiated individual litigation or other proceedings against the Released Parties relating to the Released Claims.

19. Class Members do not need to appear at the Final Approval Hearing or take any other action to indicate their approval and partake in this settlement.

20. This Order and the settlement are not admissions or concessions by Defendants of any liability or wrongdoing. This Order is not a determination of liability or wrongdoing. This Order also does not constitute any opinion or position of this Court as to the merits of the claims and defenses related to this Action.

21. This Action is stayed until further ordered by this Court, except such actions and proceedings that may be necessary to implement this settlement and Order.

22. If Final Approval does not occur, the parties shall be returned to the status quo ex ante, for all litigation purposes, as if no settlement had been negotiated or entered into and thus this Order and all other findings or stipulations regarding the settlement shall be automatically void, vacated, and treated as if never filed.

23. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement that are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

24. This Court retains jurisdiction to consider all further matters arising out of or connected with the settlement. The Court reserves the right to adjourn or continue the date

of the Final Approval Hearing without further notice to Class members. The Court may approve or modify the settlement without further notice to Class members.

25. The following timeline will govern proceedings through the Final Approval Hearing:

| EVENT | DATE |
|--|------------------------------|
| CAFA Notice to be given (Settlement Agreement § VII.3) | February 8, 2021 (completed) |
| Case website to be updated (Settlement Agreement § VII.4.b) | April 9, 2021 |
| Notice to be disseminated (Settlement Notice Date) (Settlement Agreement § VII.4) | May 10, 2021 |
| Class Counsel to file motion for attorneys' fees (Settlement Agreement § IV.2) | June 10, 2021 |
| Deadline for Settlement Class Members to file claims, object, and request exclusion (Settlement Agreement § III.3, VIII, IX) | July 9, 2021 |
| Class Counsel to file motion for final approval and response to objections | July 22, 2021 |
| Final Approval Hearing | August 5, 2021 at 2 p.m. |

IT IS SO ORDERED.

DATED this 31 of _____, March _____, 2021.

