

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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CHRISTOPHER V. GARZA and GEORGE E. EASON, JR., on behalf of themselves and others similarly situated,

Plaintiffs,

v.

MITCHELL RUBENSTEIN & ASSOCIATES, P.C.,

Defendant.

Civil Action No.: 8:15-cv-1572-GJH

ORDER OF FINAL APPROVAL OF CLASS ACTION SETTLEMENT

On September 22, 2015, Christopher V. Garza and George E. Eason, Jr. ("Plaintiffs") filed their unopposed motion to preliminarily approve the parties' proposed settlement.

On December 28, 2015, this Court preliminarily approved the parties' proposed settlement.

On December 29, 2015, Defendant served the Class Action Fairness Act ("CAFA") notice required by 28 U.S.C. § 1715 on the United States Attorney General and the Attorneys General for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

On January 28, 2016, First Class, Inc. distributed notice of the parties' proposed class settlement, as ordered.

On April 11, 2016, Plaintiffs filed their unopposed motion to finally approve the parties' proposed settlement.

On April 25, 2016, this Court held a fairness hearing regarding Plaintiffs' and Defendant's proposed settlement.

Having considered Plaintiffs' unopposed motion, this Court finally approves the proposed settlement.

This Court also confirms that it has jurisdiction over this matter and the parties to it.

This Court further certifies the following class, for settlement purposes, under Federal Rule of Civil Procedure 23:

All persons to whom Mitchell Rubenstein & Associates, P.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 May 31, 2014 and May 31, 2015, in connection with the collection of a consumer debt.

This Court finds that this matter meets the applicable prerequisites for class action treatment under Federal Rule of Civil Procedure 23, namely:

1. The class members are so numerous that joinder of all of them is impracticable;
2. There are questions of law and fact common to the class members, which predominate over any individual questions;
3. Plaintiffs' claims are typical of the class members' claims;
4. Plaintiffs and class counsel have fairly and adequately represented and protected the interests of all of the class members; and
5. Class treatment of Plaintiffs' 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.

See Decohen v. Abbasi, LLC, 299 F.R.D. 469, 477–78 (D. Md. 2014) (approving class action settlement).

This Court also appoints Christopher V. Garza and George E. Eason, Jr. as class representatives, and the following attorney and law firm as class counsel:

Jesse S. Johnson
Greenwald Davidson Radbil PLLC
5550 Glades Road, Suite 500
Boca Raton, Florida 33431

See, e.g., Schell v. Frederick J. Hanna & Assocs., P.C., No. 15-418, 2016 WL 1273297, at *1 (S.D. Ohio Mar. 31, 2016) (appointing Greenwald Davidson Radbil PLLC class counsel); *Baldwin v. Glasser & Glasser, P.L.C.*, No. 15-00490, ECF No. 20 (E.D. Va. Mar. 24, 2016) (same); *Bellum v. Law Office of Frederic I. Weinberg & Assocs., P.C.*, No. 15-2460, 2016 WL 1083740, at *2 (E.D. Pa. Mar. 16, 2016) (same); *Roundtree v. Bush Ross, P.A.*, No. 14-357, 2016 WL 360721, at *2 (M.D. Fla. Jan. 28, 2016) (same); *Schuchardt v. Law Office of Rory W. Clark*, No. 15-01329, 2016 WL 232435, at *6 (N.D. Cal. Jan. 20, 2016) (same).

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

1. Defendant will pay to Mr. Garza and Mr. Eason \$1,000 each pursuant to 15 U.S.C. § 1692k(a)(2)(B)(i).
2. Defendant will create a common fund in the amount of \$12,425, which will be distributed on a pro-rata basis to each of the 884 class members who did not exclude themselves from this settlement, pursuant to 15 U.S.C. § 1692k(a)(2)(B)(ii).
3. Defendant will pay the costs of notice and administration of the settlement separate and apart from any monies paid to Plaintiffs, class members, or class counsel.

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 additionally finds that Plaintiffs' and Defendant's settlement, on the terms and conditions set forth in their class action settlement agreement, is in all respects fundamentally fair, reasonable, adequate, and in the best interests of the class members.

This Court finds that the class members were given a fair and reasonable opportunity to object to the settlement. No class members objected to the settlement. The four class members who made valid and timely requests for exclusion are excluded from the class and settlement and are not bound by this order. Those persons are: Stacey L. Kram, Mary G. Bryce, Thomas Allan Malcolm, and Anica Deneen Ashbourne.

This order is binding on all class members, except those individuals who validly and timely excluded themselves from the settlement.

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

Pursuant to Federal Rule of Civil Procedure 54, this Court directs the entry of a final judgment as this Order but reserves jurisdiction to enter an award of costs, expenses, and attorneys' fees for class counsel, which will be determined at a later date. The Court will set a

hearing on Plaintiffs' motion for an award of attorneys' fees and expenses at the conclusion of the parties' briefing on that motion, if any hearing is necessary for resolution of that motion.

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: April 25, 2016



GEORGE J. HAZEL
United States District Judge