

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TERESA M. JOHNSTON

Plaintiff,

v.

CASE NO. 8:16-cv-3390-T-23AEP

KASS SHULER, P.A.,

Defendant.

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ORDER

The plaintiff moves (Doc. 25) unopposed for class certification and for final approval of the settlement agreement. (Doc. 22-1 at 6) Because the prerequisites for a class action under Rule 23, Federal Rules of Civil Procedure, are satisfied (Doc. 23), the plaintiff's motion (Doc. 25) for class certification is **GRANTED**. Also, the plaintiff's unopposed motion (Doc. 26) for "approval of an incentive award and award of attorneys' fees, costs, and expenses" is **GRANTED**. The certified class comprises "[a]ll persons (a) with a Florida address, (b) from whom Kass Shuler, P.A., (c) between December 12, 2015 and December 12, 2016, (d) attempted to collect interest at a rate that was greater than the statutory rate, on a judgment that provided for interest to accrue at the statutory rate." (Doc. 22-1 at 8)

Approved notices were disseminated and published to the class in accord with a March 29, 2017 order. (Doc. 23) The form and method of notifying the class of

the class action and proposed settlement (1) constitute the best notice practicable under the circumstances, (2) afford due and sufficient notice to each person entitled to notice, and (3) satisfy the requirements of Rule 23, due process, and all other applicable laws. Also, because the settlement agreement (Doc. 22-1) is fair, reasonable, adequate, and in the best interest of the Settlement Class members, the plaintiff's motion (Doc. 25) for final approval of the class settlement is **GRANTED**, and the settlement agreement (Doc. 22-1) is **APPROVED**.

The plaintiff moves (Doc. 26) for an attorney's fee, costs, and expenses. An attorney's fee, costs, and expenses of \$32,000 are awarded to the plaintiff's Class Counsel. This amount is fair and reasonable in light of the results obtained by the Class Counsel, the risks associated with this action, the Class Counsel's ability and experience in class action litigation, and fee awards in comparable cases. Further, the plaintiff is awarded a \$500 incentive award for serving as Class Representative.

No later than **AUGUST 24, 2017**, the defendant must pay Class Counsel the approved attorney's fee, costs, and expenses. No later than **AUGUST 24, 2017**, the defendant must pay the plaintiff "additional" statutory damages of \$1,000 and the incentive award.* No later than **AUGUST 24, 2017**, the defendant must pay the settlement administrator an amount sufficient to pay valid claims. The settlement

* Under 15 U.S.C. § 1692k(a)(2)(A), the plaintiff is entitled to \$1,000 in statutory damages.

administrator must hold the settlement funds in escrow and distribute settlement checks in accord with the settlement agreement.**

This action is **DISMISSED WITH PREJUDICE**. The clerk is directed to terminate any pending motion and to close the case. Jurisdiction is retained only for the purpose of enforcing the settlement agreement.

ORDERED in Tampa, Florida, on July 20, 2017.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

** No later than **SEPTEMBER 14, 2017**, the settlement administrator must distribute settlement checks.