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PLAINTIFF CATHERINE EVON

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19 CATHERINE EVON,
20 Plaintiff,
21 v.
22 LAW OFFICES OF SIDNEY MICKELL; and
DOES 1-10, inclusive,
23 Defendants.
24

Case No.: 09-cv-760-KJN

**ORDER GRANTING JOINT MOTION FOR
CLASS CERTIFICATION AND
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

DATE: April 11, 2013
TIME: 10:00 a.m.
DEPT: Courtroom 25

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26 This case comes before the Court on the joint motion of Plaintiff Catherine Evon, on behalf of
27 herself and the class she proposes to represent, and Defendants Law Offices of Sidney Mickell and

28 ///

1 Sidney Mickell for an order certifying a settlement class and preliminary approval of the class action
2 Settlement Agreement.¹ After reviewing the joint motion, the court finds that the motion is suitable for
3 submission upon the record and briefs on file, and resolution without oral argument, pursuant to E.D.
4 Cal. L.R. 230(g).

5 Having considered the matter, the joint motion, the proposed Settlement Agreement, and the
6 declarations of counsel, and good cause appearing,

7 IT IS HEREBY ORDERED THAT:

- 8 1. The April 11, 2013 hearing on the joint motion is VACATED.
- 9 2. The joint motion for class certification and preliminary approval of the class settlement
10 (Dkt. No. 131) is GRANTED along the terms outlined in this order.
- 11 3. Pursuant to Rule 23, this case is certified as a Rule 23(b)(3) class action against
12 Defendants Law Offices of Sidney Mickell and Sidney Mickell. The class is defined as follows:

13 All consumers to whom Defendants sent a debt collection letter to their
14 place of employment, addressed to the consumer in care of their employer,
15 from one year prior to the filing of this action on March 18, 2009 to
16 present.

- 17 4. Catherine Evon is appointed as the class representative. Sergei Lemberg and Lara
18 Shapiro are appointed class counsel. First Class, Inc., 5410 W. Roosevelt Rd., Suite 222, Chicago, IL
19 60644-1479 is appointed class administrator.

20 5. The Settlement Agreement is preliminarily approved.

- 21 6. The names and addresses of all class members shall be provided by Defendants to class
22 counsel within thirty (30) days of the date of entry of this order.

23 7. A class notice in a substantially similar form as attached to the Settlement Agreement
24 shall be mailed to each class member as described in the settlement agreement within forty-five (45)
25 days of the date of entry of this order.

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27 ¹ All parties have consented to the jurisdiction of a United States Magistrate Judge pursuant to 28
28 U.S.C. § 636(c), and the action was referred to the undersigned for all further proceedings and the
entry of a final judgment. (Dkt. Nos. 127, 128.)


1 8. Any person falling within the definition of the Settlement Class may, upon request, be
2 excluded from the settlement. A person who decides to opt out must send a letter so stating to the class
3 administrator, First Class, at the address set forth in the notice, and include in the letter the person's
4 name, address, telephone number, and reference the name of this case "Catherine Evon v. Law Offices
5 of Sidney Mickell." The letter must be postmarked no later than thirty-five (35) days from the class
6 notice date, and must be signed by the person to whom the notice was addressed. All persons who
7 timely "opt out" by submitting properly completed requests for exclusion shall have no rights under
8 the Settlement Agreement and shall not share in the benefits of the Settlement Agreement and shall not
9 be bound by the Settlement Agreement.

10 9. Any settlement class member who wishes to object to all or any part of the proposed
11 settlement must file written objections with the Court Clerk of this Court, U.S. District Court for the
12 Eastern District of California and mail said objections to class counsel and defense counsel no later
13 than ten (10) days prior to the final fairness hearing. In addition, members who wish to appear at the
14 final fairness hearing must file a statement of their intention to do so with the Court Clerk and serve
15 both class counsel and defense counsel with such notice of intention to appear, no later than ten (10)
16 days prior to the hearing. Only settlement class members who have timely filed and delivered properly
17 completed written notices of objection and intent to appear will be entitled to be heard at the hearing
18 unless the Court orders otherwise.

19 10. The final fairness hearing will be conducted before the undersigned in Courtroom 25 of
20 the U.S. District Court for the Eastern District of California, located at 501 I Street, Sacramento, CA
21 on Thursday, July 25, 2013, at 10:00 a.m.

22 IT IS SO ORDERED.

23 **Date:** 4/1/2013

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE
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