

1 2. For the purposes of this Order, the Court adopts all defined terms as set forth in the
2 Stipulation.

3 3. The Settlement Class satisfies the requirements of Rule 23(b)(3) as discussed in
4 the Court's prior Order preliminarily approving this settlement ("the Preliminary
5 Order), and the Settlement Class is hereby certified and defined as follows:

6 All persons whom Defendant called for marketing purposes on a
7 cellular telephone without prior express written consent from
8 October 16, 2013 to May 15, 2015, and all persons whom
9 Defendant called on a telephone number which was registered on
the National Do Not Call Registry without prior express written
consent from October 16, 2013 to May 15, 2015.

10 4. The Court hereby grants Plaintiff's unopposed Motion for Final Approval of Class
11 Action Settlement (ECF No. 34), approves the terms of the settlement outlined in
12 the Stipulation, and finds that the settlement is in all respects fair, reasonable, and
13 adequate, based on the following factors:

- 14 a. The strength of Plaintiff's case in relation to the amount offered in
15 settlement;
- 16 b. The risk, expense, complexity, and likely duration of further litigation;
- 17 c. The risk of maintaining class action status through trial;
- 18 d. The extent of discovery completed and the stage of the proceedings;
- 19 e. The experience and views of counsel;
- 20 f. The reaction of the class members to the proposed settlement; and
- 21 g. The fact that the settlement was reached after arms' length negotiation
22 conducted in good faith by the parties with the assistance of an experienced
23 mediator.

24 5. The Court finds that distribution of notice to the Settlement Class has been
25 completed in accordance with the Preliminary Order; that it constituted the best
26 notice practicable under the circumstances; that it provided due and adequate
27 notice of the proceedings and the matters herein—including the proposed
28 settlement—to all persons entitled to such notice; and that it fully satisfied the

1 requirements of due process, the Constitution, and Rule 23 of the Federal Rules of
2 Civil Procedure.

3 6. No member of the Settlement Class objected to the settlement as of July 13, 2017,
4 the date of the final fairness hearing.

5 7. No member of the Settlement Class requested exclusion from the settlement as of
6 July 13, 2017, the date of the final fairness hearing.

7 8. The distribution plan set forth in the Stipulation providing for distribution of the
8 Net Settlement Fund is approved.

9 9. Upon entry of this Order, the Released Claims, as defined in the Stipulation, are
10 fully, finally, and forever released, relinquished, and discharged pursuant to the
11 terms of the Stipulation.

12 10. The Court hereby grants Plaintiff's unopposed Motion for Attorneys' Fees and
13 Expenses (ECF No. 35), and awards Class Counsel \$165,000 in fees and
14 \$9,185.33 in expenses, to be paid from the Settlement Fund as provided in the
15 Stipulation.

16 11. The Court hereby awards Plaintiff Matthew Scott Robinson an incentive award of
17 \$10,000, for his service as representative of the Settlement Class, to be paid from
18 the Settlement Fund as provided in the Stipulation.

19 12. The Court hereby approves a payment of \$43,000 to the Settlement Administrator
20 on the terms set forth in the Stipulation.

21 13. The Court hereby approves Privacy Rights Clearinghouse as the cy pres recipient,
22 to receive the cy pres distribution of the Net Settlement Fund as provided in the
23 Stipulation.

24 14. Notice of this settlement has been provided to state and federal officials as
25 required by 28 U.S.C. § 1715(b), and more than ninety days have elapsed since
26 service of such notice as required by 28 U.S.C. § 1715(d). No such official
27 objected to the settlement, either in writing or at the final fairness hearing.

28 15. The Court hereby directs the parties to effectuate the settlement according to the

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terms set forth in the Stipulation and this Order.

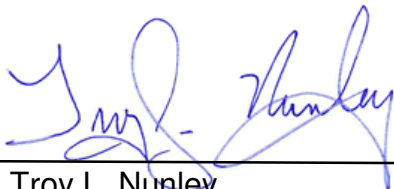
16. The Court hereby dismisses this action with prejudice and without prevailing party costs.

17. Without affecting the finality of this Order and Judgement of Dismissal, the Court retains continuing jurisdiction over all matters involving the implementation of the settlement.

18. If the settlement does not become final and effective as provided in the Stipulation, this Order and the entry of judgment—and all Orders entered in connection herewith—shall be rendered null and void and shall be vacated.

IT IS SO ORDERED.

Dated: August 3, 2017



Troy L. Nunley
United States District Judge