

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO**

Civil Action No. 13-cv-01125-REB-MJW

LELAND SMALL,  
individually and on behalf of a class of other similarly situated persons,

Plaintiff,

v.

BOKF, N.A.

Defendant.

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**ORDER**

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**Blackburn, J.**

The matters before me are (1) the parties' **Joint Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, and Memorandum in Support Thereof** [#181],<sup>1</sup> filed February 8, 2016; and (2) **Plaintiff's Unopposed Motion for Attorneys' Fees, Reimbursement of Expenses, and Service Award and Memorandum in Support** [#182], filed February 8, 2016. I considered these motions at a fairness hearing on March 25, 2016. Having considered the motions, the Settlement Agreement and Release [#178-1] (the "Settlement Agreement"),<sup>2</sup> and the arguments advanced at the hearing, and being otherwise fully advised in the premises, I find and conclude that the motions are well-taken and should be granted.

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<sup>1</sup> "[#181]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

<sup>2</sup> All capitalized terms in this Order which are not otherwise defined have the same meaning as in the Settlement Agreement.

**THEREFORE, IT IS ORDERED** as follows:

1. That the parties' **Joint Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, and Memorandum in Support Thereof** [#181], filed February 8, 2016, is granted;
2. That **Plaintiff's Unopposed Motion for Attorneys' Fees, Reimbursement of Expenses, and Service Award and Memorandum in Support** [#182], filed February 8, 2016, is granted;
3. That this Order will be binding on the Settlement Class, as defined in the Settlement Agreement;
4. That the Settlement is fair, reasonable, and adequate, is in the best interests of the Settlement Class Members, and should be approved, especially in light of the benefits to the Settlement Class Members accruing therefrom, the substantial discovery, investigation, and trial preparation conducted by Class Counsel prior to the proposed Settlement, and the complexity, expense, risks, and probable protracted duration of further litigation;
5. That the Settlement is hereby approved in accordance with Fed. R. Civ. P. 23(e);
6. That the Settlement Fund shall be allocated on a *pro rata* basis, based on the Eligible FastLoan Amount used by each Settlement Class Member, except that no Settlement Class Member shall receive an allocation of less than \$5;
7. That the service award to the Named Plaintiff as set forth in the Settlement is hereby approved in the amount of \$20,000;

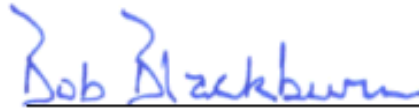
8. That the attorneys fees and expenses of Class Counsel are hereby approved in the amount of \$1,325,000.00;

9. That without affecting the finality of this Order, the court retains exclusive jurisdiction over the consummation, performance, administration, effectuation, and enforcement of this Order; provided, further, that in addition, but without affecting the finality of this Order, the court retains jurisdiction over Defendant, the Named Plaintiff, and each Settlement Class Member for the purpose of enabling any of them to apply to the court for such further orders and directions as may be necessary or appropriate for the construction and implementation of the terms of the Settlement and this Order; and

10. That this Action is hereby dismissed with prejudice in its entirety, on the merits, as against Defendant, and without costs to any party, except to the extent otherwise expressly provided in the Settlement; provided, further, that the court intends this Order to be "Final" within the meaning of the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure.

Dated March 31, 2016, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge

Approved:

/s/ Steven Six

Steven Six  
Counsel for Plaintiff and the Class

/s/ Sarah Poston

Sarah Poston  
Counsel for Defendant BOKF, N.A.