

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**HEYDEE DE LEON,**

**Plaintiff,**

**-vs-**

**Case No. 6:09-cv-1251-Orl-28KRS**

**BANK OF AMERICA, N.A. (USA),**

**Defendant.**

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**ORDER**

This case is before the Court on Plaintiffs' Motions for 1) Preliminary Approval of Settlement Agreement and for Certification of Settlement Class (Doc. No. 65); and 2) Preliminary Motion for Award of Attorneys' Fees and Costs (Doc. No. 74); and the Joint Renewed Motion for Preliminary Approval of the Settlement Agreement and For Certification of the Settlement Class (Doc. No. 71). The United States Magistrate Judge has submitted a report recommending that the motions be denied.

After an independent *de novo* review of the record in this matter, and consideration of Plaintiffs' Objections to the Report and Recommendation (Doc. No. 80), including Plaintiffs' arguments at a June 28, 2012 hearing, the Court agrees with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed April 20, 2012 (Doc. No. 75) is **ADOPTED** and **CONFIRMED** in all respects except that I grant leave to the parties to submit an Amended Motion for Preliminary Approval of the Settlement Agreement and for


Certification of Class within thirty (30) days from the date of this Order. The granting of leave is based on ambitious — but perhaps unrealistic — representations of Plaintiffs' counsel that all flaws in the Settlement Agreement noted by Magistrate Judge Spaulding in the Report and Recommendation can be cured.

2. Plaintiffs' Motion for Preliminary Approval of Settlement Agreement and For Certification of Settlement Class (Doc. No. 65) is **DENIED**.

3. The parties' Joint Renewed Motion for Preliminary Approval of the Settlement Agreement and For Certification of the Settlement Class (Doc. No. 71) is **DENIED**.

4. Plaintiffs' Preliminary Motion for Award of Attorneys' Fees and Costs (Doc. No. 74) is **DENIED**.

**DONE** and **ORDERED** in Chambers, Orlando, Florida this 2nd day of July, 2012.

  
JOHN ANTOON II  
United States District Judge

Copies furnished to:

United States Magistrate Judge  
Counsel of Record