

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JAMES DAVID COOPER, JR.,

Plaintiff,

v.

Case No. 6:14-cv-314-Orl-37DAB

NELNET, INC.,

Defendant.

ORDER

This cause is before the Court on the parties' Joint Motion for Preliminary Approval of Settlement and Notice Order (Doc. 67), filed December 3, 2014. Upon consideration, the Court finds that it does not have sufficient information to rule on the motion.

A class action shall not be dismissed or compromised without the approval of the Court. See Fed. R. Civ. P. 23(e). The Court may preliminarily approve a proposed settlement after making a determination on the fairness, reasonableness, and adequacy of the settlement terms. See Rule 23(e)(2); see also *Fresco v. Auto Data Direct, Inc.*, No. 03-61063-CIV, 2007 WL 2330895, at *4 (S.D. Fla. May 14, 2007).

At this time, the Court is unable to determine if the terms of the proposed settlement are fair, reasonable, or adequate. The parties are therefore **ORDERED** to submit additional briefing and materials in support of their proposed settlement, including but not limited to: (1) how many of the potential class members they anticipate will receive notice; (2) how many of the proposed class members they anticipate will submit a claim; (3) the anticipated down side limit to a pro rata share of the class value; (4) an estimate

of the anticipated administrative costs; (5) the anticipated net settlement fund after reduction for fees, costs and administrative expenses and (5) Defendant's estimated net worth. See *Wojcik v. Buffal Bills, Inc.*, Case No. 8:12-cv-2414-SDM-TBM, Doc. 77 (M.D. Fla.) (considering these factors before granting preliminary approval of the proposed settlement agreement); see also *Arthur v. Sallie Mae, Inc.*, Case No. 2:10-cv-198-JLR, Doc. 32 (W.D. Wash.) (providing an anticipated monetary award range for each claimant even though the parties planned to distribute the funds using the pro rata method, and providing a much larger settlement fund).

The parties have until Friday, **February 20, 2015**, to provide the supplemental briefing and materials. Failure to do so may result in the Court denying the Joint Motion for Preliminary Approval of Settlement and Notice Order (Doc. 67) without further notice.

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 21, 2015.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record