

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

NATHANIEL JOHNSON, on behalf)
of himself and all others)
similarly situated,)

Plaintiff,)

v.)

LAW OFFICES OF BRACHFELD &)
ASSOCIATES, LVNV Funding, LLC,)
ALEGIS GROUP, LLC, and)
RESURGENT CAPITAL SERVICES,)
LP,)

Defendants.)

8:09CV336

PRELIMINARY APPROVAL ORDER

This matter is before the Court on the Joint Motion for Preliminary Approval of a Class Settlement Agreement ("Agreement") (Filing No. [81](#)) by plaintiff Nathaniel Johnson ("Mr. Johnson"), and defendant Law Office of Brachfeld & Associates ("Brachfeld") and LVNV Funding, LLC, Alegis Group, LLC, and Resurgent Capital Services, LP (the "Resurgent Defendants").

IT IS ORDERED:

1. The Court finds that the proposed settlement is reasonable, fair, and adequate and grants preliminary approval to it.

2. For the purposes of settlement, the Court certifies a class pursuant to Fed. R. Civ. P. 23(a) and (b)(3) defined as:

All persons at Nebraska addresses to whom Defendant Law Offices of Brachfeld & Associates sent, from September 22, 2005, to the present,

a letter regarding a debt owned by LVNV that: (a) is in the form of Exhibit A to Plaintiff's Amended Complaint; and (b) contained all elements alleged in paragraphs 21 through 24 of Plaintiff's Amended Complaint.

The class described above includes approximately 61 persons including Mr. Johnson. Mr. Johnson is appointed as class representative. Pamela A. Car and William L. Reinbrecht, of Car & Reinbrecht, P.C., L.L.O., 8720 Frederick Street, Suite 105, Omaha, Nebraska 68124, and O. Randolph Bragg, of Horwitz, Horwitz & Associates, 25 E. Washington Street, Suite 900, Chicago, Illinois 60602, are appointed as class counsel pursuant to Fed. R. Civ. P. 23(g).

3. A hearing on the fairness and reasonableness of the Agreement and whether final approval shall be given to it and the requests for fees and expenses by counsel for the class will be held before this Court on October 15, 2010, at 1:30 p.m.

4. The Court approves the proposed form of notice to the class, to be directed to the last known address of the class members as reflected in Brachfeld's records as updated through the National Change of Address system (NCOA). Class Counsel will mail, or cause to be mailed notice to class members on or before July 30, 2010. Class Counsel will re-mail any notice that is returned with a forwarding address. Class Counsel will also cause the settlement checks to be distributed. Brachfeld shall be responsible for these expenses of less than \$1000.00.

5. The Court finds that mailing of the class notice and the other measures specified above to locate and notify members of the class is the only notice required and that such notice satisfies the requirements of due process and Fed. R. Civ. P. 23(c)(2)(B).

6. Class members shall have until September 10, 2010, to opt out or object to the proposed settlement. Any class members who desire to exclude themselves from the action must mail a request for exclusion to Pamela A. Car and William L. Reinbrecht, of Car & Reinbrecht, P.C., L.L.O., 8720 Frederick Street, Suite 105, Omaha, Nebraska 68124. Any class members who wish to object to the settlement must mail a written objection to the Clerk of the Court, United States District Court for the District of Nebraska, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, #1152, Omaha, Nebraska 68102-1322, and mail a copy thereof to Class Counsel. Any objection must include the name and number of the case and a statement of the reasons why the objector believes that the Court should find that the proposed settlement is not in the best interests of the class. Objectors who have filed written objections to the settlement must also appear at the hearing and be heard on the fairness of the settlement.

DATED this 13th day of July, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court