

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JANNETTE TAYLOR, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

MERCHANTS CREDIT ADJUSTERS,
INC. and PANSING, HOGAN, ERNST
& BACHMAN, LLP,

Defendants.

Case No. 8:16-CV-452

**FINAL ORDER APPROVING
CLASS SETTLEMENT**

Pursuant to the Memorandum and Order entered this date,

1. Pursuant to [Federal Rule of Civil Procedure 23\(b\)\(3\)](#), the above-captioned case is hereby finally certified, for settlement purposes only, as a class action on behalf of the following class of plaintiffs (the “Class Members”) with respect to the claims asserted in this action:

- A. (i) All persons with addresses in Nebraska (ii) against whom Defendants filed a county court collection complaint in the form of [Exhibit A](#) attached to the plaintiff’s complaint ([Filing No. 1-1 at 1-3](#)) (iii) in an attempt to collect an alleged debt (iv) which was for personal, family, or household purposes (v) during the period one year prior to the date of filing this action.

- B. (i) All persons with addresses in Nebraska (ii) to whom Defendants sent, or caused to be sent Requests for Admissions in the form of [Exhibit C](#) attached to the plaintiff’s complaint ([Filing No. 1-1 at 5-7](#)) (iii) in an attempt to collect an alleged debt (iv) which was for personal, family, or household purposes (v) during the period one

year prior to the date of filing this action.

- C. (i) All persons with addresses in Nebraska (ii) against whom Defendants filed a county court collection complaint in the form of Exhibit A ([Filing No. 1-1 at 1-3](#)) (iii) in an attempt to collect an alleged debt (iv) which was for personal, family, or household purposes (v) during the period four years prior to the date of filing this action.
- D. (i) All persons with addresses in Nebraska (ii) to whom Defendants sent, or caused to be sent Requests for Admissions in the form of Exhibit C ([Filing No. 1-1 at 5-7](#)) (iii) in an attempt to collect an alleged debt (iv) which was for personal, family, or household purposes (v) during the period four years prior to the date of filing this action.

2. Pursuant to Rule 23, the Court finally certifies Plaintiff Jannette Taylor as the Class Representative and William L. Reinbrecht and Pamela A. Car of the law firm Car & Reinbrecht and Tregg R. Lunn of the Law Office of Tregg R. Lunn, as Class Counsel.

3. The Class Settlement Agreement (“Agreement”) ([Filing No. 67-1](#)) is finally approved and incorporated herein. All capitalized terms used herein shall have the meanings defined in the Agreement. The Agreement shall be consummated in accordance with the terms and provisions thereof, except as amended by any order issued by this Court. The parties are hereby directed to perform the terms of the Agreement.

4. This Final Order Approving Class Settlement is binding on all Class Members, except those individuals identified in the Affidavit of Kelly Kratz of Dahl Administration, LLC ([Filing No. 78-1](#)), who validly and timely excluded themselves from the class.

5. The Class Representative, Class Members, and their successors and assigns are permanently barred and enjoined from instituting or prosecuting, either individually or as a class, or in any other capacity, all claims, whether known or unknown, against Defendants and/or Defendants' principals, members, subsidiaries, and affiliate entities, partners, officers, directors, shareholders, managers, employees, heirs, executors, administrators, agents, representatives, successors, assigns, insurance carriers, clients and attorneys that arise from or are related to the allegations made and/or those that could have been made in Plaintiff's Complaint, including but not limited to all claims arising from the debt collection Complaints and discovery used by Defendants from October 3, 2012 through the date of preliminary class certification. The claims released by the Settlement Agreement dated October 3, 2017, are compromised, settled, released, discharged, and dismissed with prejudice by virtue of these proceedings and this order. Nothing in this Final Order Approving Class Settlement or in the Class Settlement Agreement prevents a Class Member from defending a county court collection action brought against them by Merchant Credit Adjusters, Inc.

6. This Final Order Approving Class Settlement is not, and shall not be construed, as an admission by Merchant Credit Adjusters, Inc. or Pansing Hogan Ernst & Bachman, LLP of any liability or wrongdoing in this or in any other proceeding.

7. The following individual opted out of the class and therefore is not

bound by this order: Mary K. Vannoy.

8. The claims administrator is hereby authorized to make payment to all class members of the FD CPA Class No. 1 and FD CPA Class No. 2 in the amount of each class member's pro rata share of Settlement Fund No. 1 plus the funds remaining after payment of claims from Settlement Fund No. 2. The claims administrator is further authorized to distribute Settlement Fund No. 2 to the members of NCPA Class No. 1 and NCPA Class No. 2, as set forth in [Filing No. 81](#) (Hearing Exhibit 1) and the Spreadsheet at [Filing No. 78-5](#).

9. The following seven class members submitted claims after April 19, 2018, which was agreed as the final cut-off date:

NAME	ATTORNEY FEES PAID	INTEREST PAID	TOTAL
Patrick W. Bowen	\$202.71	-0-	\$202.71
Terrance J. Lee	\$238.67	-0-	\$238.67
Amy L. Archibald	-0-	-0-	-0-
April Cravens Bankston	-0-	-0-	-0-
Audwin J. Brown	\$44.06	-0-	\$44.06
Tige Heacock	\$72.25	-0-	\$72.25
Cheryl Torrez	\$379.64	\$582.75	\$962.39

The class members who submitted untimely claims may be paid from *cy pres* funds. If there are insufficient funds to be used from the *cy pres* award the class members submitting untimely claims will be paid on a pro rata basis from the available *cy pres* funds.

10. This action is hereby dismissed with prejudice in all respects with respect to all defendants. This Court retains jurisdiction until all matters pertaining to the settlement are concluded.

11. A separate Judgment in conformity with this Final Order Approving Class Settlement will issue this date.

Dated this 23rd day of May, 2018.

BY THE COURT:

s/ Joseph F. Bataillon
Joseph F. Bataillon
Senior United States District Judge