

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CV-43-D**

Vanessa Beasley, on behalf of herself)
and all others similarly situated,)
)
Plaintiff,)
)
vs.)
)
Sessoms & Rogers, P.A.)
Lee C. Rogers, and)
Palisades Collection, LLC,)
)
<u>Defendants.</u>)

**ORDER GRANTING CLASS CERTIFICATON AND
PRELIMINARY APPROVAL OF ACCEPTED OFFER OF JUDGMENT**

This matter coming before the Court on Plaintiff Vanessa Beasley (“Plaintiff”) and Defendants Sessoms & Rogers, P.A., Lee C. Rogers, and Palisades Collection, LLC (“Defendants”) Joint Motion for Class Certification and Preliminary Approval of Accepted Offer of Judgment, the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The Court finds that the Accepted Offer of Judgment (“Judgment”) (DE 65) 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:

(i) all persons with addresses within the state of North Carolina (ii) who were sent a letter from Sessoms & Rogers, P.A. and Lee Rogers in the form of Exhibit A (attached to the Class Action Complaint) (iii) to recover a debt owned by Palisades (iv) incurred for personal, family, or household purposes (v) which were not returned undelivered by the United States Postal Service (vi)

during the period of time one-year prior to the filing of the Class Action Complaint through the date of class certification.

3. Plaintiff Vanessa Beasley is appointed as class representative. Angela O. Martin, Craig M. Shapiro, and O. Randolph Bragg are appointed as Class Counsel pursuant to Fed. R. Civ. P. 23(g).

4. A hearing on the fairness and reasonableness of the Judgment and whether final approval shall be given to it will be held before this Court on March 18, 2011 at 1:00 p.m/~~a.m.~~

5. The Court approves the proposed form of notices to the class (Exhibit B to the parties' Joint Motion), to be directed to the last known address of the class members as shown on Defendants' records. Said names and addresses shall be provided in non-confidential format by Defendants to Plaintiff's counsel within seven days of this Order. Plaintiff will arrange for First Class, Inc. to mail notice to class members on or before December 30 2010, and, upon this Court's entry of an Order Granting Final Approval of the Accepted Offer of Judgment and, pursuant thereto and to Fed. R. Civ. P. 23(c)(3), entry of Judgment, for payments to be distributed pursuant to the Judgment to those members of the class defined above in paragraph 2. As contained in the Accepted Offer of Judgment, Defendants shall bear the costs of class administration. Plaintiff's counsel shall provide the invoices of First Class, Inc. to Defendant's counsel within 48 hours of receipt; Defendants shall pay First Class, Inc. at least 48 hours in advance of the services necessitating such costs.

6. 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) and 23(e)(1).

7. Any class members who desire to opt out or exclude him or herself from the settlement must mail a request for exclusion to Class Counsel by February 18, 2011.

8. Class members shall have until March 1, 2011 to enter an appearance or object to the proposed settlement. Any class members who wish to object to the settlement must submit an objection in writing to both the Court and Class Counsel via U.S. mail by March 1, 2011.

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.

DATE: 12/6/10

ENTER: James Dever
The Honorable James C. Dever III
United States District Judge

EXHIBIT B

Beasley v. Sessoms & Rogers, P.A., Lee C. Rogers, and Palisades Collection, LLC,
E.D.N.C., 5:09-cv-43-D

NOTICE OF CLASS ACTION AND
PROPOSED JUDGMENT

***THIS IS NOT AN ATTEMPT
TO COLLECT MONEY FROM
YOU. THIS IS NOT A
NOTICE OF A LAWSUIT
AGAINST YOU.***

YOU MAY BENEFIT FROM
READING THIS NOTICE.

***PLEASE READ THIS NOTICE
CAREFULLY.***

To: (i) all persons with addresses within the state of North Carolina (ii) who were sent a letter from Sessoms & Rogers, P.A. and Lee Rogers in the form of Exhibit A (attached to the Class Action Complaint) (iii) to recover a debt owned by Palisades (iv) incurred for personal, family, or household purposes (v) which were not returned undelivered by the United States Postal Service (vi) during the period of time one-year prior to the filing of the Class Action Complaint through the date of class certification

**WHY YOU ARE BEING SENT THIS
NOTICE**

Judge James C. Dever III of the United States District Court for the Eastern District of North Carolina, Western Division, has granted

preliminary approval of an accepted Offer of Judgment in the above-entitled action, subject to a hearing on the fairness of the settlement which will take place on _____ at _____ in Room ___ of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina.

You are being sent this notice because you have been identified as a member of the class defined above. This notice explains the nature of the lawsuit, the terms of the accepted Offer of Judgment, describes how you may benefit from the accepted Offer of Judgment and informs you of your legal rights, options, and obligations.

WHAT THIS LAWSUIT IS ABOUT

This lawsuit contends that Defendants violated the Fair Debt Collection Practices Act ("FDCPA"). Plaintiff alleges that Defendants sent letters to consumers that misrepresented their rights afforded by the FDCPA.

THE PROPOSED JUDGMENT

Plaintiff has agreed to accept Defendants' Offer of Judgment described below.

Class Recovery, Attorney's Fees and Relief to Plaintiff. Defendants agree to pay a total of \$10,001.00 plus class counsel's reasonable attorney fees and costs to settle the claims of the plaintiff and the class. The \$10,001.00 will be distributed as follows; (1) each of the class members who does not opt out of the settlement will receive a pro rata share of a total of \$9,000.00 (more than 1% of the aggregate of Defendants' net worth); If no one excludes themselves from the class, each class member will receive approximately \$6.96. (2) Plaintiff will receive \$1,001.00, (3) Plaintiff's counsel will petition the Court for reimbursement of costs and

attorneys fees, which have been expended out of pocket by Plaintiff's counsel without guarantee of reimbursement,

Costs. Defendants will pay all the costs associated with class notice and administration of the accepted Offer of Judgment, subject to the above paragraph.

Payment. Within ___ days following the Court's Final Approval of Class Settlement, each class member who has not timely opted out will be sent their *pro rata* share of \$9,000.00.

WHO REPRESENTS THE CLASS?

The following attorneys represent Plaintiff and all the members of the class described above ("Class Counsel"):

Angela O. Martin
Angela Martin Attorney at Law
1911 Keller Andrews Road
Sanford, North Carolina 27330

Craig M. Shapiro
O. Randolph Bragg
Horwitz, Horwitz & Associates, Ltd.
25 East Washington Street Suite 900
Chicago, Illinois 60602

**SEE REVERSE SIDE FOR
MORE IMPORTANT
INFORMATION**

THE FAIRNESS HEARING

A hearing will be held on the fairness of the accepted Offer of Judgment. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed accepted Offer of Judgment. **The hearing will take place before Judge Dever on _____ at _____ in Room _____ of the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. YOU DO NOT HAVE TO ATTEND THIS HEARING TO RECEIVE YOUR SHARE OF THE RECOVERY.**

YOUR OPTIONS

1. You have the right to exclude yourself from both the class action and the accepted Offer of Judgment. **The written request for exclusion must be post-marked on or before _____ and mailed to Class Counsel, whose addresses appear at the end of this Notice. The request for exclusion must refer to your name, address, and the name and number of the case.**

2. **If you wish to receive a settlement check, you do not need to do anything.** You will be represented by Class Counsel without additional charge. **Any party who does not exclude him or herself from the settlement, as described above, will be paid his or her share of the accepted Offer of Judgment amount and will be bound by the Judgment, as approved by the Court. You will be barred from asserting any claims against the Defendants that Plaintiff Vanessa Beasley asserted in this case.**

3. If you prefer, you may enter your own appearance or ask the Court to allow you to participate in the proceedings related to the

accepted Offer of Judgment through your own attorney. If you wish to participate on your own or through your own attorney, an appearance must be filed with the Court by _____, 2010. If you participate through your own attorney, it will be at your expense.

4. **If you object to the accepted Offer of Judgment, and wish to submit an objection, you must submit your objection in writing to the Clerk of the United States District Court for the Eastern District of North Carolina, Western Division, Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina 27601. You must also mail a copy to Class Counsel, Angela O. Martin and Craig M. Shapiro at the addresses below. The objection must be postmarked on or before _____, 2010, must refer to the name and number of the case, must include your name and address and a statement of the reasons why you believe that the Court should find that the Offer of Judgment is not in the best interests of the class. **If you do file an objection, you should appear at the hearing before Judge Dever on _____, 2010 at _____ a.m./p.m.** Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.**

If you choose to exclude yourself from the class action and accepted Offer of Judgment or object to it you will not receive payment under this agreement. You will retain your right to bring your own lawsuit, if timely filed, against Defendants. If successful, you may recover an amount greater than the recovery for a class member.

If the accepted Offer of Judgment is not approved, the case will proceed as if no Judgment had been offered and accepted.

There can be no assurance that if the accepted Offer of Judgment is not approved, the class will recover more than is provided in the settlement or, indeed, anything.

AVAILABILITY OF FILED PLEADINGS

The above description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the accepted Offer of Judgment, you should visit the office of the Clerk of the United States District Court for the Eastern District of North Carolina, Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

INQUIRIES

Any questions you or your attorney have concerning this notice should be directed to Class Counsel:

Angela O. Martin
Angela Martin Attorney at Law
1911 Keller Andrews Road
Sanford, North Carolina 27330
(919) 708-7477

Craig M. Shapiro
O. Randolph Bragg
Horwitz, Horwitz & Associates, Ltd.
25 East Washington Street Suite 900
Chicago, Illinois 60602
(312) 372-8822

DO NOT CONTACT THE COURT REGARDING THIS NOTICE. THE COURT CANNOT PROVIDE ANY ADVICE OR COUNSEL.