

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|--|---|-----------------|
| HAWK VALLEY, INC., a Pennsylvania |) | |
| Corporation, Individually and as the |) | |
| Representative of a Class of Similarly |) | |
| Situated Persons, |) | |
| |) | |
| Plaintiff |) | Civil Action |
| |) | No. 10-cv-00804 |
| v. |) | |
| |) | |
| ELAINE G. TAYLOR, and |) | |
| ENVIRONMENTAL PROCESS SYSTEMS, INC., |) | |
| |) | |
| Defendants |) | |

O R D E R

NOW, this 31st day of March, 2014, upon consideration of Plaintiff’s Motion for Class Certification filed July 19, 2013 (Document 98); upon consideration of the pleadings, record papers, exhibits, briefs and legal memoranda of the parties; after hearing on the within motion held before the undersigned on November 8, 2013; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Plaintiff’s Motion for Class Certification is granted.

IT IS FURTHER ORDERED that plaintiff’s claim against defendants Elaine G. Taylor and Environmental Process Systems, Inc. in the First Amended Civil Action Complaint filed on March 25, 2011 alleging violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(1)(C) is certified as a class action

pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the following class is certified:

All persons sent one or more faxes on June 17, 2006 from "Environmental Process Systems, Inc." that advertised "EPSI's Grass Grab-er" as a "New way to treat your equipment wash water."

IT IS FURTHER ORDERED, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, that Alan C. Milstein, Esquire, Brian J. Wanca, Esquire, and Philip A. Bock, Esquire are each appointed class counsel.

IT IS FURTHER ORDERED that Plaintiff Hawk Valley, Inc. is approved as class representative.

IT IS FURTHER ORDERED that a third Rule 16 conference by telephone conference call is scheduled on May 23, 2014, at 8:30 o'clock a.m. with the undersigned.

IT IS FURTHER ORDERED that the Clerk of Court shall remove this case from the civil suspense docket.

BY THE COURT:

/s/ JAMES KNOLL GARDNER _____
James Knoll Gardner
United States District Judge