

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

CORINE O'DELL,

Plaintiff,

v.

NATIONAL RECOVERY AGENCY,

Defendant.

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CIVIL ACTION NO. 16-5211

ORDER

AND NOW, this 6th day of March, 2018, after considering of the motion for class certification filed by the plaintiff (Doc. No. 59), the defendant's response to the motion (Doc. Nos. 67, 68), the plaintiff's reply (Doc. No. 69), the record created by the parties, the arguments of counsel presented during oral argument, the second amended complaint (Doc. No. 43), and O'Dell's stipulation to dismiss her individual claims (Doc. No. 75); and for the reasons set forth in the separately filed memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The motion for class certification (Doc. No. 59) is **GRANTED**;
2. The court certifies a class of plaintiffs under the following definition: "(a) all consumers with a Pennsylvania address and a zip code of 17512; (b) that incurred a debt from Lancaster General Health; (c) for which Defendant sought to collect on the debt; (d) that thereafter the debt was pulled back by Lancaster General Health; (e) and subsequently returned to Defendant; (f) after which Defendant placed a trade line on the consumers' credit reports for the returned debt; (g) that reported the date placed for collection and the date of delinquency as the date the accounts had been returned and inputted; (h) during a period beginning one year prior to the filing of this initial action and ending 21 days after the service of the initial complaint

filed in this action.” Mem. of Law in Supp. of Pl. Corine O’Dell’s Mot. for Class Certification at ECF p. 9, Doc. No. 59-1;

3. The court approves Zemel Law, LLC (Daniel Zemel, Esq. and Elizabeth Apostola, Esq.) as class counsel;

4. The court approves Corine O’Dell as class representative;

5. Within two weeks from the date of this order, counsel for the plaintiff shall provide counsel for the defendant with a draft copy of the notice that shall be sent to the class members;

6. In accordance with Federal Rule of Civil Procedure 23(g) the notice shall include the following information:

a. “[T]he nature of the class certified;”

b. “[T]he definition of the class certified;”

c. “[T]he class claims, issues, or defenses;”

d. “[T]hat a class member may enter an appearance through an attorney if the member so desires;”

e. “[T]hat the court will exclude from the class any member who requests exclusion;”

f. “[T]he time and manner for requesting exclusion; and”

g. “[T]he binding effect of a class judgment on members under Rule 23(c)(3);” and

7. Once counsel for the defendant and counsel for the plaintiff have agreed upon a draft notice, and within thirty (30) days from the date of this order, counsel for the plaintiff shall send the notice to the court; and

8. Within thirty (30) days from the date of this order, counsel for the plaintiff shall submit a proposed plan for sending the notice to the class.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.