UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DUSTIN HARBIN and JIMMY PRUITT,	)	
on behalf of themselves and the class	)	Case No. 3:16-CV-125
defined herein,	)	
	)	Judge Travis R. McDonough
Plaintiffs,	)	
	)	Magistrate Judge H. Bruce Guyton
v.	)	
	)	
EMERGENCY COVERAGE	)	
CORPORATION and ACCOUNT	)	
RESOLUTION TEAM, INC.,	)	
	)	
Defendants.	)	

ORDER

On November 21, 2017, United States Magistrate Judge H. Bruce Guyton filed his report

and recommendation (Doc. 47) pursuant to 28 U.S.C. § 636(b)(1). Magistrate Judge Guyton

recommended that the parties' joint motion for an order conditionally certifying class and

granting preliminary approval of class settlement agreement (Doc. 43) be granted. (Doc. 47.)

Neither party has filed any objections to Magistrate Judge Guyton's report and

recommendation.[1] Nevertheless, the Court has conducted a review of the report and

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[1] Magistrate Judge Guyton specifically advised the parties that they had fourteen days in which
to object to the report and recommendation and that failure to do so would waive their right to
appeal. (Doc. 47, at 6 n.1); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140,
148–51 (1985) (noting that "[i]t does not appear that Congress intended to require district court
review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard,
when neither party objects to those findings"). Even taking into account the three additional
days for service provided by Federal Rule of Civil Procedure 6(d), the period in which the parties
could timely file any objections has now expired.

recommendation, as well as the record, and it agrees with Magistrate Judge Guyton's well-reasoned conclusions.

Accordingly, the Court will **ACCEPT** and **ADOPT** Magistrate Judge Guyton's report and recommendation (Doc. 47). It is further **ORDERED** as follows:

1) The parties' joint motion for an order conditionally certifying class and granting preliminary approval of class settlement agreement (Doc. 43) is **GRANTED**;

2) This matter is **CERTIFIED** as a class action for settlement purposes only on behalf of the following class:

> (a) All persons sued by Defendants; (b) in the General Session Court of Hamblen County, Tennessee; (c) that had garnishments issued against their wages that included amounts of post-judgment interest or fees that exceeded the amount allowed under Tennessee state law; (d) that made payments to Defendants as a result of the wrongful garnishments issued to their employers by garnishments of wages or direct payment to the clerk between March 16, 2013[,] and ending on April 5, 2016.

3) The Court **PRELIMINARILY APPROVES** the settlement set forth in the settlement agreement (Doc. 43-1, at 1–15), subject to final consideration at the final fairness hearing set before Magistrate Judge Guyton on **March 26, 2018**, at **9:30 a.m.**;

4) The Court hereby **APPOINTS** Alan C. Lee, Peter A. Holland, and Scott C. Borison as Class Counsel;

5) The Court hereby **DESIGNATES** Dustin Harbin and Jimmy Pruitt as the representatives of the Class;

6) Within **thirty days** of the entry of this Order, Defendants shall send notice to the class members;

7) Class members shall have **forty-five days** after the initial mailing of the notice to exclude themselves from, or to object to, the settlement agreement. Any class member desiring to exclude themselves from the action must serve copies of the requests on the Class Administrator by the same date. Any class members who wish to object to the settlement must submit an objection in writing to the Clerk of the United States District Court of the Eastern District of Tennessee, and serve copies of the objection on the Class Administrator by the same date; and

8) Defendants shall file with the Court proof of compliance with the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b) on or before **December 18, 2017**.

SO ORDERED.

/s/ *Travis R. McDonough*
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE