

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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DEREK VOLKMAN, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

Case No. 1:18-cv-00091-WCG

ENHANCED RECOVERY COMPANY,  
LLC, a Delaware Limited Liability Company,  
d/b/a ERC,

Defendants.

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**PRELIMINARY APPROVAL ORDER**

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The Court, having considered Plaintiff's Motion for Preliminary Approval, hereby grants preliminary approval to the Class Settlement Agreement ("Settlement") between Plaintiff, Derek Volkman, individually and as representative of the class previously certified by the Court, and Defendant, Enhanced Recovery Company, LLC ("ERC"), and the Court being satisfied that the Settlement, the history of this case, and the negotiation process appear sufficient for the Court to consider granting final approval in accordance with Fed. R. Civ. P. 23(e)(2) and to give notice to the Class with an opportunity to submit objections to the Settlement in accordance with Fed. R. Civ. P. 23(e)(1), and for good cause shown;

**IT IS HEREBY ORDERED:**

1. The Court approves the form of Notice submitted as *Exhibit 1* to the Settlement with appropriate insertions of the dates and times set forth in this Order. Class Counsel shall promptly coordinate with the Third-Party Class Administrator, Heffler Claims Group, so Notice is given in accordance with the method and procedures set forth in the Settlement. The Court finds the Notice and such methods and procedures to constitute reasonable notice under Fed. R. Civ. P. 23(e)(1) and comports with Due Process. The initial mailing of such Notice shall be made no

later than October 8, 2020.

2. January 8, 2021 at 2:30 P.M. is hereby set as the date and time for the Final Approval Hearing on the fairness, reasonableness and adequacy of the Settlement, and for consideration of the requests for fees and expenses by Class Counsel.

3. Any Class Member who wishes to object to the settlement must submit an objection in writing to the Clerk of the United States District Court for the Eastern District of Wisconsin and serve copies of the objection on the Class Administrator. All objections must be in writing and personally signed by the Class Member and include: (1) the objector's name, address, and telephone number; (2) a sentence stating that to the best of his or her knowledge s/he is a member of the Settlement Class; (3) the name and number of the case: *Volkman, et al v. Enhanced Recovery Company, LLC*, Case No. 1:19-cv-00091-WCG; (4) the factual basis and legal grounds for the objection to the Settlement; (5) the identity of any witnesses whom the objector may call to testify at the Final Fairness Hearing; and (6) copies of any exhibits the objector may seek to offer into evidence at the Final Fairness Hearing. The written objection must indicate whether the Class Member and/or their lawyer(s) intend to appear at the Final Fairness Hearing. Any lawyer who intends to appear at the Final Fairness Hearing also must enter a written Notice of Appearance of Counsel with the Clerk of the Court no later than the last day of the exclusion/objection deadline set by the Court and shall include the full caption and case number of each previous class action case in which that lawyer(s) has represented an objector.

4. To be considered, an objection must be either postmarked or filed and served on the Clerk of Court and Class Administrator by December 7, 2020.

5. Class Counsel shall submit or file all materials in support of final approval and in support of the application for Class Counsel's fees and costs, at least seven days prior to the Final Approval Hearing.

6. If not already filed, ERC 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) within fourteen (14) days of this Order.

**SIGNED AND ENTERED** this 24th day of September, 2020.

s/ William C. Griesbach  
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WILLIAM C. GRIESBACH  
Judge, United States District Court