

TIMOTHY P. CLAIBORNE, et al.,

*

IN THE

Plaintiffs,

*

CIRCUIT COURT

v.

*

FOR

THE MARYLAND MANAGEMENT COMPANY,

*

BALTIMORE CITY

Defendant.

*

Case No.: 24-C-16-004505

* * * * *

FINAL ORDER AND JUDGMENT

Upon consideration of the Motion for Final Approval of the Settlement Class, Appoint Class Representatives and Class Counsel Pursuant to Maryland Rule 2-231 (Docket Entry #9000), the Motion to Approve Incentive Payment and Attorneys Fees and Costs to Class Counsel and Memorandum in Support (Docket Entry #10000), and the hearing held on May 30, 2017, is it, this 30th day of May, 2017, by the Circuit Court for Baltimore City hereby, **ORDERED:**

On August 11th 2016, Plaintiffs filed the above-captioned class action complaint against Defendant. Defendant denied liability. After arms-length negotiations Plaintiff and Defendant entered into a Class Action Settlement Agreement subject to review under Rule 2-231.

On November 29th, 2016, the parties filed the settlement agreement and a motion for preliminary approval.

On February 3rd, 2017, the court entered an Order of Preliminary Approval of Class Action Settlement. Pursuant to the Preliminary Approval Order, the court, among other things, (i) preliminarily certified (for settlement purposes only) a class with respect to the claims asserted in this case, (ii) preliminarily approved the proposed settlement, (iii) appointed Plaintiffs as the Class Representatives; (iv) appointed Plaintiffs' counsel, Scott Borison of the Legg Law Firm, LLP and Peter A Holland and Emanwel J. Turnbull of the Holland Law Firm as Class Counsel and (v) set

the date and time for the Fairness Hearing.

On May 19th 2017, Plaintiff filed their motion for Final Approval of Class Action Settlement and their Motion to Approve Incentive Payment and Attorney Fees and Costs to Class Counsel (collectively, the Final Approval Motion).

On May 30th, 2017 a Fairness Hearing was held pursuant to Rule 2-231 to determine whether the Lawsuit satisfies the applicable prerequisites for class action treatment and whether the proposed settlement is fundamentally fair, reasonable, adequate and in the best interests of the Class Members and should be approved by the Court.

The Court has read and considered the Agreement, the Final Approval Motion and the record, and it is further **ORDERED**:

1. The definitions set forth in the Agreement are incorporated by reference into this Order.
2. The Court has subject matter and personal jurisdiction over the Parties, including all Class Members.
3. Pursuant to Rule 2-231(a) and (b)(3), the case is hereby finally certified as a class action. The class definition is:

All individuals sued by MMC in Maryland state court at any time from October 1, 2007 to September 1, 2016 against whom MMC obtained a judgment for an alleged consumer debt.
4. Excluded from the Settlement Class are: (i) any individual who now is, or ever has been, an officer of MMC as well as the spouses, parents, siblings and children of all such individuals; (ii) employees of the Court; and (iii) any individual who filed for bankruptcy protection after entry of judgment in favor of MMC and who received a discharge.
5. The Named Plaintiffs Tim P. Claiborne and Mieisha J. Alston are appointed as the Representatives of the Class and Representative Plaintiffs' counsel of record are appointed as

counsel for the Class ("Class Counsel"). The law firms representing the Class and who shall comprise Class Counsel are: Scott C. Borison, Legg Law Firm, LLP. and Peter A. Holland and Emanwel Turnbull of Holland Law Firm PC. The court in appointing Class Counsel has reviewed the factors set forth in Md. Rule 2-231(a)(4) as explained in *Philip Morris Inc. v. Angeletti*, 358 Md. 689 (2000) and appoints Class Counsel based on a review of the criteria set forth therein.

6. Pursuant to the Preliminary Approval Order, the approved class action notices were mailed to the Class Members. The form and method for notifying the Class Members of the settlement and its terms was in conformity with this court's preliminary approval order and satisfied the requirements of Md. Rule 2-231(e) and due process, and constituted the best notice practicable under the circumstances.

7. The court finds that the case satisfies the applicable prerequisites for class action treatment under Rule 2-231, namely:

- a. The Class Members are so numerous that joinder of all of them in the case is impracticable;
- b. There are questions of law and fact common to the Class which *predominate over* any individual questions;
- c. Plaintiffs' claims are typical of the claims of the Class.
- d. Plaintiffs and Class Counsel have fairly and adequately represented and protected the interests of all of the Class Members and
- e. Class treatment of these claims will be efficient and manageable, thereby achieving an appreciable measure of judicial economy, and a class action is superior to other available methods for a fair and efficient adjudication of this controversy.

8. The terms of the Agreement, and the Settlement provided for, are approved as fair,

reasonable and adequate.

9. The Court finds that the total sum of \$5000.00 shall be paid to *each* Class Representative pursuant to the terms of the settlement agreement, as a fair and reasonable amount, and directs the payments to be made from the Settlement Fund established by the Settlement Agreement.

10. The Court finds the sum of \$200,000.00 to Class Counsel for counsels' fees and costs is a fair and reasonable amount and hereby approves and directs the payment be made from the Settlement Fund established by the Settlement Agreement.

The Court further finds that any residue of the Settlement Fund shall be contributed as *cy pres* award equally to each of the Maryland Consumer Rights Coalition.

11. The settlement agreement, which shall be deemed incorporated herein and the proposed settlement are finally approved and shall be consummated in accordance with the terms and provisions thereof, except as amended by any order issued by this Court. The Parties are hereby direct to perform the terms of the Agreement.

12. Class Members were given an opportunity to object to the settlement. No Class Member objected to the settlement and no Class Member made a request for exclusion or opt out. This order is binding on all Class Members.

13. Plaintiffs, the Class Members, their successors and assigns, fully, finally and forever settle release and discharge the "Released Parties" (as defined in the settlement agreement) from the "Released Claims" (as defined in the Agreement), and are forever barred and enjoined from asserting any of the Released Claims in any court or forum whatsoever as set forth in the Agreement. Pursuant to the release contained in the agreement, the released claims are compromised settled, released, discharged and dismissed with prejudice by virtue of these

proceedings and this order.

14. The Court determines and finds, pursuant to Rule 2-602, that there is no just reason for delay, and orders the entry of a Final Judgment.

15. The Court hereby retains continuing and exclusive jurisdiction over the Parties and all matters relating to the Lawsuit and Agreement, including the administration, interpretation, construction, effectuation, enforcement, and consummation of the settlement and this order.

IT IS SO ORDERED.

Dated: May 30, 2017.

The Judge's Signature Appears
On Original Documents

ALTHEA M. HANDY
Judge

Notice to Clerk:

Please send copies to all parties