

Megan E. Glor, OSB No. 930178
megan@meganglor.com
MEGAN E. GLOR, ATTORNEYS AT LAW, P.C.
707 NE Knott Street, Suite 101
Portland, OR 97212
Telephone: (503) 223-7400
Facsimile: (503) 751-2071

Chris R. Youtz, Pro Hac Vice
chris@sylaw.com

Richard E. Spoonemore, Pro Hac Vice
rspoonemore@sylaw.com
SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC
3101 Western Ave., Suite 350
Seattle, WA 98121
Telephone: (206) 223-0303
Facsimile: (206) 223-0246

Attorneys for Plaintiff and the Class

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DANICA LOVE BROWN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

STORED VALUE CARDS, INC. (d/b/a NUMI
FINANCIAL); and CENTRAL NATIONAL
BANK AND TRUST COMPANY, ENID,
OKLAHOMA,

Defendants.

NO. 3:15-cv-01370-MO

ORDER FOR PRELIMINARY
APPROVAL OF SETTLEMENT
AGREEMENTS

The Court has considered Plaintiff's unopposed motion under Federal Rule of Civil Procedure 23(e) for an order preliminarily approving settlements between the Class and Defendants Stored Value Cards, Inc., d/b/a Numi Financial ("Numi) and Central National Bank and Trust Company, n/k/a Stride Bank, N.A. ("CNB") and the declarations of Chris R. Youtz and Richard E. Spoonemore and rules as follows:

1. The Court tentatively finds that the Settlement Agreements attached as *Exhibits A and B* to the motion for preliminary approval, are fair, reasonable, and adequate. The Court finds: (a) the Agreements resulted from arm's length negotiations; (b) there is no evidence at this stage of the proceedings of fraud, collusion, or overreaching or that the rights of eligible absent Class members were disregarded; and (c) class counsel has sufficient experience in similar litigation to propose the Agreements. The Court's preliminary approval is subject to change pending the outcome of the final settlement approval hearing ("Fairness Hearing").

2. The Court finds that the proposed mailed postcard notice ("Short-Form Notice"), attached to the motion for preliminary approval as *Exhibit C*, and the long-form notice ("Long-Form Notice"), attached as *Exhibit D*, satisfy the requirements of Federal Rule of Civil Procedure 23, due process, and the applicable law and fairly and adequately provide notice of the terms of the Agreements, including the attorney fees and costs sought by Class Counsel and the request for a case contribution award to the class representative; gives notice of the time and place of the Fairness Hearing; and describes how eligible Class members may comment on, object to, or support the Agreements. The

Court finds that allowing eligible Class members to file claims online, by email, or by regular mail is a fair and reasonable way for Class members to submit claims.

3. The Court preliminary finds that the distribution plan proposed by Class Counsel is fair and reasonable. Under that plan, Class members who incurred fees on Release Cards received from Defendants may receive up to three times the amount of the fees they incurred or \$15, whichever amount is higher. Claims will be paid from the settlement fund after deduction of the costs of administration and notice, court-awarded attorney fees and costs, and case contribution awards, if awarded by the Court. If sufficient funds exist to pay the claims as proposed, then full payment will be made. If insufficient funds exist, then each eligible Class member's claim shall be paid on a *pro rata* basis with all other claimants. Any remaining funds shall be paid to one or more *cy pres* recipients approved by the Court. The Court's preliminary approval of this process is subject to change after the notice and comment period.

4. The Short-Form Notice shall be mailed to Class members for whom Class Counsel and the claims administrator have been able to obtain valid addresses for, using information obtained from Defendants and other sources. This mailing will occur within 45 days of this Order.

5. The Court approves Kroll to provide settlement notice and claim processing administration.

6. Class Counsel shall establish a settlement web page available to the public within 30 days of the date of this Order. The web page shall contain the Settlement Agreements, the Long-Form Notice, claim forms that can be submitted online with

instructions, an online form that can be completed to opt out of the Settlement Agreements, a description of the action, deadlines and key pleadings (including the motions for preliminary approval and order preliminarily approving the agreement).

7. Class Counsel is authorized to use either web-based or local news-based targeted advertising to provide additional notice to potential claimants.

8. The Court concludes that the notice directed herein, in addition to web-based notice and targeted advertisements, is the best notice practicable under the circumstances and complies with the requirements of Federal Rule of Civil Procedure 23, due process, and any other applicable law.

9. A Fairness Hearing to consider whether the proposed Settlement Agreements are fair, reasonable, and adequate and should be finally approved is scheduled for **December 10, 2024, at 10:00 a.m. in courtroom 16**, at the United States Courthouse, 1000 SW 3rd Ave, Portland, OR 97204.

10. A Class member who wishes to comment on or object to the Agreement must submit written comments and/or objections to the Court no later than **November 19, 2024**.

11. Class members who wish to appear at the Fairness Hearing may do so if they submit written notice to the Court, with copies to counsel, that he or she intends to appear in person or through counsel. In those submissions, Class members should describe the nature of their comments or objections. Written notice of intent to appear must be filed with the Court and mailed to counsel by **November 19, 2024**.

12. A Motion for Final Approval of the Agreement, together with any supporting declarations or other documentation, must be filed no later than **December 3, 2024**. Class Counsel shall also mail or email the Motion for Final Approval to all Class members who object to the Settlement Agreements or file written notice with the Court that they intend to appear at the Fairness Hearing.

13. Claims from eligible Class members must be submitted no later than **November 19, 2024**.

14. Class Counsel shall file their motion for an award of attorney fees and reimbursement of expenses or costs and a motion for case contribution awards to the class representatives no later than **October 29, 2024**. Class Counsel shall post these motions on the settlement web page within three days after they are filed with the Court.

15. Neither Defendants nor Defendants' counsel shall have any responsibility for the distribution of the Settlement Funds, or any application for attorney fees or reimbursement of expenses or for case contribution awards to the class representative submitted by Class Counsel, and such matters will be considered separately from the fairness, reasonableness, and adequacy of the Agreement.

16. All reasonable expenses incurred in providing notice, as well as administering the Settlement Fund, shall be reimbursed upon motion and approval of the Court.

17. The Court reserves the right to adjourn the date of the Fairness Hearing without further notice and retains jurisdiction to consider further applications arising out of or connected with the Agreements. The Court may approve the Agreement, with such

modifications as may be agreed to by the Parties, if appropriate, without further notice to Class members.

It is so ORDERED this 27th day of June, 2024.

Michael W. Mosman

Michael W. Mosman
Senior United States District Judge