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FILED
ALAMEDA COUNTY

MAY 27 2021

CLERK OF THE SUPERIOR COURT

By [Signature]
Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

Case No. RG10-529702

JUDITH REIMANN and MICHAEL
DaRONCO, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ERICA L. BRACHFELD, THE BRACHFELD
LAW GROUP, P.C., MIDLAND FUNDING,
LLC, MIDLAND CREDIT MANAGEMENT,
LLC, and MIDLAND FUNDING NCC-2
CORP. and DOES 1-100, inclusive,

Defendants.

~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT WITH
BRACHFELD LAW GROUP,
APPROVING DISTRIBUTION OF
NOTICE, AND SETTING FINAL
FAIRNESS HEARING

Date: April 30, 2021
Time: 10:00 a.m.
Dept: 21
Reservation Number: R-2236940

1 WHEREAS, Plaintiffs JUDITH REIMANN and MICHAEL DaRONCO on behalf of
2 themselves and all others similarly situated, and Defendant BRACHFELD LAW GROUP (“BLG”)
3 have reached a proposed settlement and compromise of the claims in the above-captioned matter,
4 which is embodied in the Settlement Agreement that was last dated April 12, 2021, and which is
5 attached as Exhibit 1 to the Declaration of Jennifer S. Rosenberg in Support of Motion for
6 Preliminary Approval filed April 16, 2021 (the “Settlement Agreement”);

7 WHEREAS, the parties have applied to the Court for preliminary approval of the proposed
8 Settlement; and

9 WHEREAS, the capitalized terms herein shall have the same meaning as in the Settlement
10 Agreement;

11 NOW, THEREFORE, the Court, having read and considered the Settlement Agreement and
12 Settlement Notice to the Class, as well as the Motion for Preliminary Approval of Settlement and
13 the supporting and additional papers, and the parties to the Settlement Agreement having consented
14 to the entry of this order, and good cause appearing,

15 IT IS HEREBY ORDERED AS FOLLOWS:

16 1. Subject to further consideration by the Court at the time of the Final Approval
17 Hearing, the Court hereby preliminarily approves the Settlement as fair, reasonable, and adequate to
18 the Class, as falling within the range of possible final approval, and as meriting submission to the
19 Class for its consideration.

20 2. By Order issued October 6, 2019, (the “Class Certification Order”), the Court
21 previously certified the following Plaintiff Class:

22 All California consumers who both: (1) from August 5, 2006, through
23 February 2, 2015, either (a) were sent collection demand letters, debt
24 collection letters, or dunning letters by Brachfeld Law Group regarding
25 a debt allegedly owed to one of the Midland Entities or (b) were sued
26 by the Midland Entities where Brachfeld Law Group was attorney of
27 record and (2) if they were in the class in *Vassalle v Midland Funding,*
28 *LLC*, United State District Court, N.D. Ohio) Co. 3:l 1-cv- 0096,
excluded themselves from the class.

3. A Final Approval Hearing shall be held before this Court on September 10, 2021 at
10:00 a.m. in Department 21 of the Alameda County Superior Court, located in the Administration

1 Building, 1221 Oak Street, Oakland, CA 94612, to address: (a) whether the proposed Settlement
2 should be finally approved as fair, reasonable and adequate; (b) whether the Final Approval Order
3 and Judgment should be entered; (c) whether the motion for attorneys' fees and expenses to Class
4 Counsel should be approved; and (d) any other matters that the Court deems appropriate.

5 4. The Angeion Group is hereby appointed Notice and Settlement Administrator in
6 connection with the Settlement. The costs and expenses of notice and administration, including any
7 fees charged or costs or expenses incurred, by the Settlement Administrator, shall be paid from the
8 Settlement Fund to be established under Article III. A. of the Settlement Agreement. Following the
9 entry of this Order, Angeion may withdraw the amount of \$24,786.00 as an advance for costs it will
10 incur in providing notice to the class.

11 5. The Court approves, as to form and content, the Notice, substantially in the form
12 attached as Exhibit 2 to the Rosenberg Declaration filed on April 16, 2021 (the "Settlement
13 Notice"), which shall be sent by the Settlement Administrator by first class mail no later than 30
14 days after entry of this preliminary approval order. The Court further finds that the Settlement
15 Notice will adequately inform members of the Class of their right to exclude themselves from the
16 Class so as not to be bound by the terms of the Settlement Agreement.

17 6. The Court finds that the distribution of notice by US Mail, first class, constitutes the
18 best notice practicable under the circumstances and shall constitute due and sufficient notice to the
19 Class of the terms of the Settlement Agreement, the date, time, and place of the Final Approval
20 Hearing and the class members' legal rights and options, and complies fully with the requirements
21 of the California Rules of Court, the California Code of Civil Procedure, the Constitution of the
22 State of California, the United States Constitution, and other applicable laws.

23 7. Based on the foregoing findings, the Court orders that Notice be disseminated as set
24 forth above.

25 8. Any member of the Class who desires to be excluded from the Class, and therefore
26 not be bound by the terms of the Settlement, must send a timely and valid written and signed Opt-
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1 Out Request, postmarked on or before August 26, 2021, to the Settlement Administrator, pursuant
2 to the instructions set forth in the Notice.

3 9. Any person falling within the definition of the Class who timely elects to be
4 excluded shall not be bound by the release of any claims pursuant to the Settlement Agreement, and
5 shall not be entitled to object to the Settlement or appear at the Final Approval Hearing. The names
6 of all persons timely submitting valid Opt-Out Requests shall be provided to the Court no fewer
7 than five (5) court days in advance of the Final Approval Hearing.

8 10. The Plaintiffs shall file with the Court their motion in support of final settlement
9 approval, their application for incentive awards, their attorney's fee and expense application, and
10 supporting papers, no fewer than 30 days before the Final Approval Hearing, i.e., August 11, 2021.

11 11. Any Class Member who does not submit a valid and timely Opt-Out Request may
12 object to the terms of the Settlement Agreement, the entry of the proposed Final Approval Order,
13 and/or Class Counsel's application(s) for attorney's fees and expenses. Any such Class Member
14 shall have the right to appear and be heard at the Final Approval Hearing, either personally or
15 through an attorney retained at the Class Member's own expense, and/or submit a valid written
16 statement of the specific objections, postmarked on or before August 26, 2021, to the Court,
17 according to the instructions set forth in the Notice. The Plaintiffs shall file their response to any
18 written objections at least five days prior to the final approval hearing.

19 12. Any Class Member who does not make an objection in the time and manner
20 provided shall be deemed to have waived such objection and shall be forever foreclosed from
21 asserting any objection to the fairness or adequacy of the proposed Settlement as incorporated in the
22 Settlement Agreement, the Final Approval Order and Judgment, and Class Counsel's application for
23 attorneys' fees and expenses.

24 13. The Court may, for good cause, extend any of the deadlines set forth in this Order
25 without further notice to the Class Members. The Final Approval Hearing may, from time to time
26 and without further notice to the Class, be continued by order of the Court.

27 **IT IS SO ORDERED.**

1 Dated: May 27, 2021

Winfred Smith
Honorable Winfred Smith
Judge of the Superior Court

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