

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MARK WILLIAM THOMAS, *et al.*,

Plaintiffs,

v.

Civil No. 3:18-cv-00684-MHL

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S CONSENT MOTION
TO AMEND ORDER GRANTING PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, CONDITIONALLY CERTIFYING CLASS FOR
PURPOSE OF SETTLEMENT, APPOINTING CLASS COUNSEL, DIRECTING
NOTICE TO THE CLASS. AND SCHEDULING FINAL FAIRNESS HEARING**

Plaintiff MARK WILLIAM THOMAS, *on behalf of himself and anyone similarly situated*, by Counsel, and with the consent of Defendant, moves the Court to amend the Order Granting Preliminary Approval of Class Action Settlement, Conditionally Certifying Class for Purposes of Settlement, Appointing Class Counsel, Directing Notice to the Class, and Scheduling Final Fairness Hearing (ECF 40.) For the reasons below, the Court should grant the minor amendment.

I. BACKGROUND AS IT RELATES TO THIS MOTION.

Since the Court's grant of Preliminary Approval of the proposed Settlement, the Parties have been diligently working through the many details that involve informing the Settlement Class of the Settlement's terms. (*See id.* ¶¶ 10–13.) A key part of that process relates to the placing of advertisements in certain printed publications designed to maximize the reach of the Notice. (*See* ECF 33-3 ¶¶ 24–26.) Since print publications are produced at certain time intervals, the Parties must provide the proposed Notice materials to those publishers by their deadlines to meet specific publication dates. In order to meet the submission schedule for publication the Notice of National

Geographic magazine, additional time should be built into the Final Approval schedule to allow the Notice Administrator to submit the Notice to that publication and thus give Class Members enough time to view the Notice and take action should they decide to object.

II. RELIEF REQUESTED.

To meet National Geographic's submission deadline and also permit Class Members enough time to submit objections to the substance of the Settlement should they so choose, Plaintiff proposes amending the Preliminary Approval Order to allow more time for objections, making them due seven days before the Final Fairness Hearing. Plaintiff therefore requests an amendment to the Preliminary Approval Order as follows (striking current deadline):

18. Objection Deadline. Persons in the Settlement Class who wish to object to the Settlement must do so no later than ~~Thirty (30)~~ Seven (7) calendar days before the Final Fairness Hearing. Objections solely as to any Motion for attorneys' fees or service awards shall be filed no later than Seven (7) days after the filing of such Motion.

This minor alteration of a single deadline will have no impact on any of the other deadlines in the Order, and is entirely reasonable and necessary under the circumstances. No Party will be prejudiced by the requested amendment, as confirmed by Equifax's consent to the enlargement. The Court should therefore grant this request.

III. CONCLUSION.

For the foregoing reasons, Plaintiff requests that the Court amend the Preliminary Approval Order as set forth above and in the accompanying Proposed Order.

Respectfully submitted,

By: /s/Leonard A. Bennett
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Counsel for Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May 2019, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/Leonard A. Bennett
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EQUIFAX INFORMATION SERVICES, LLC,

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**[PROPOSED] ORDER GRANTING PLAINTIFF'S CONSENT MOTION
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Before the Court is Plaintiff MARK WILLIAM THOMAS's consent Motion to Amend Order Granting Preliminary Approval of Class Action Settlement, Conditionally Certifying Class for Purposes of Settlement, Appointing Class Counsel, Directing Notice to the Class, and Scheduling Final Fairness Hearing (ECF __.) Having considered the Motion, the record in this case, the applicable law, and the arguments of Counsel, if any, the Court is of the opinion that the Motion should be GRANTED.

IT IS HEREBY ORDERED that the Order Granting Preliminary Approval of Class Action Settlement, Conditionally Certifying Class for Purposes of Settlement, Appointing Class Counsel, Directing Notice to the Class, and Scheduling Final Fairness Hearing (ECF 40) is amended as follows:

18. Objection Deadline. Persons in the Settlement Class who wish to object to the Settlement must do so no later than Seven (7) calendar days before the Final Fairness Hearing.

Objections solely as to any Motion for attorneys' fees or service awards shall be filed no later than Seven (7) days after the filing of such Motion.

All other deadlines in the Order remain unchanged.

May __, 2019, Richmond, Virginia

M. Hannah Lauck
United States District Judge