

Notify

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Superior Court Department
No. 15-1013-BLS2

DEBRA CLARK, on behalf of herself)
and all other persons similarly situated,)
Plaintiff)
v.)
FIRST RESOLUTION INVESTMENT)
CORP., et al,)
Defendants)

filed in lieu of missing
original 1/10/18
Richard VMucco
att cw

JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT

Debra Clark, Plaintiff, and First Resolution Investment Corp., Defendant, jointly move that this Honorable Court grant preliminary approval to the Class Action Settlement Agreement filed herewith. ¹

I. NATURE OF THE CASE AND PROCEDURAL HISTORY

In this action, plaintiff Debra Clark ("Clark") alleges that First Resolution Investment Corp. ("FRIC") carried out debt collection activities against her and other Massachusetts residents which were unlawful because FRIC was never licensed as a debt collector by the Massachusetts Division of Banks (the "DOB") and because FRIC never registered as a foreign corporation with the Secretary of State to conduct business in Massachusetts. Clark requested declaratory and injunctive relief and an award of damages on behalf of herself and other class members.

¹ All claims originally asserted against the second named defendant, First Resolution Management Corporation, were previously dismissed by stipulation.

1/10/18
allowed, Salinger &
att: Richard VMucco
att cw

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<hr/>)

PRELIMINARY APPROVAL ORDER

After hearing, and the Court having reviewed the Settlement Agreement dated January 3, 2018 (the "Settlement Agreement") between Debra Clark ("Clark" or "Plaintiff"), on behalf of herself and all others similarly situated, and First Resolution Investment Corp. ("FRIC" or "Defendant"), and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Court adopts all defined terms as set forth in the Settlement Agreement, which are incorporated herein by reference.
2. The Court preliminarily approves the terms of the Settlement Agreement as being fair, just, reasonable and adequate to the Settlement Class, subject to further consideration at the Final Approval Hearing described below.
3. The Court finds that the Settlement Class, as defined in Section I(E) of the Settlement Agreement, meets, for settlement purposes only, the prerequisites of Rule 23 of the

Massachusetts Rules of Civil Procedure and G.L. c. 93A, § 9 for certification of a settlement class. The Court therefore provisionally certifies the Settlement Class for the purposes of settlement and without prejudice to the Parties in the event the Settlement is not finally approved or otherwise does not take effect.

4. The Court hereby appoints Debra Clark as Class Representative for purposes of entering into and implementing the Settlement. The Court also appoints Class Counsel, as defined in Section I(F) of the Settlement Agreement, as counsel for the above Class Representative and the Settlement Class.
5. The Court finds that the Notice in the form attached to the Settlement Agreement as Exhibit A is reasonably and practicably calculated to notify Settlement Class Members of, *inter alia*, the pendency of the Action, the nature of the Action, the relief to be provided, and their rights to object to the Settlement and to appear at the Final Approval Hearing.
6. The parties are authorized to provide a class list to the Settlement Administrator.
7. As set forth in Section III(3) of the Agreement, within thirty (30) days of entry of this Order, class Notice shall be mailed by the Class Administrator to the most current address available for each Class Member in accordance with the Settlement Agreement. The Class Administrator shall comply with all other provisions regarding Notice as set forth in the Agreement. Prior to the Final Approval Hearing, the Settlement Administrator shall file with the Court an affidavit of compliance with the Notice plan and procedures.
8. The Court finds that dissemination of the Notice in the manner described above has a reasonable chance of reaching a substantial percentage of the Settlement Class Members and constitutes the best notice practicable under all the circumstances. The Court further

finds that dissemination of the Notice in the manner described above meets the requirements of the Massachusetts Rules of Civil Procedure and the due process requirements of the Constitution of the Commonwealth of Massachusetts and the United States Constitution and any other applicable law, and shall constitute adequate and sufficient notice to all persons entitled thereto.

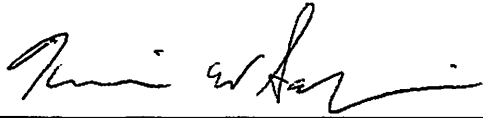
9. No later than the date when Class Notice is mailed, the Settlement Administrator will establish a settlement website, the content of which will include the documents and features specified in Section 3.2 of the Agreement.
10. Any Settlement Class Member may object to the proposed Settlement by serving on Class Counsel, by first-class mail or facsimile, a written statement of objection in accordance with Section 5.3 of the Settlement Agreement. Said objections must be postmarked within sixty (60) days of the mailing of Class Notice. Any Class Member who wishes to appear and be heard at the Final Approval Hearing, either in person or through counsel, must so indicate in the objection. Class Counsel will furnish copies of all objections to Defendant's counsel, and will file a list of objections, with copies thereof, with the Court no later than three (3) business days prior to the Final Approval Hearing.
11. The Final Approval Hearing shall be held at 2:00 p.m. on May 23, 2018, in Courtroom 1017, Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, to determine whether the Settlement Agreement should be approved as fair, reasonable and adequate to the Settlement Class; whether Class Counsel should be awarded legal fees and expenses in the amounts requested; whether the Class Representative should be awarded an Incentive Award in the amount requested; and whether the Final Order and Judgment approving the settlement should be entered. All

documents supporting Class Counsel's request for attorneys' fees and expenses and supporting the Class Representative's request for an Incentive Award shall be served on Defendant's counsel and filed with the Court no later than three (3) business days prior to the Final Approval hearing. The Court may continue or adjourn the Final Approval Hearing without further notice to Settlement Class Members.

12. Pending determination of final approval of the Settlement, the Class Representative and Settlement Class Members are hereby enjoined from asserting, commencing, continuing or prosecuting any of the Released Claims, as defined in the Agreement, against FRIC in any action, suit or other proceeding. All proceedings in this Action are stayed, other than such proceedings as are related to the Settlement.
13. The Court retains jurisdiction over the Action to consider all further applications, motions, and/or disputes arising out of or connected with the proposed Settlement.
14. The Court hereby directs the Class Representative and Defendant to proceed in strict accordance with the terms of the Settlement Agreement for the purpose of consummating the proposed Settlement and providing Notice thereof, and hereby authorizes them to take all acts reasonably necessary to consummate the Settlement.
15. The Court may, for good cause, extend any of the deadlines set forth in this Order without further notice to Settlement Class Members.

IT IS SO ORDERED.

Dated 10 Jan., 2018

A handwritten signature in black ink, appearing to read "R. Salinger", written over a horizontal line.

Justice of the Superior Court

(Salinger, J.)