

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

JEFFREY A. LONG, <i>et al.</i>)	CASE NO. CV-2018-01-0004
)	
Plaintiffs,)	JUDGE TAMMY O'BRIEN
v.)	
)	<u>PRELIMINARY APPROVAL ORDER</u>
FALLS MOTOR CITY, INC.)	
Defendant.)	
)	

This matter comes before the Court on the joint motion of the parties (Plaintiffs Jeffrey E. Long, Johnathan G. Harrison, Sarah E. Harrison, and Byron Foxx on behalf of themselves and others similarly situated, i.e., the putative Class, and Defendant Falls Motor City, Inc. ("FMC") to preliminarily approve their agreed upon Settlement Agreement, preliminarily certify a Class Action, issue Class Notice, and set the matter for Final Settlement Hearing. A hearing on the joint motion was held on June 17, 2022 at 10:00 a.m. Attorney Frederick appeared on behalf of Plaintiffs. Attorney Miller appeared on behalf of Defendant. In addition to the requests in the motion, Attorney Frederick orally requested that the Court appoint him class counsel.

Upon review of the Settlement Agreement proffered by the parties, the Court finds it to be fair, reasonable, and in the best interests of the Class for the reasons set forth therein. The Court further finds good cause to appoint Attorney Frederick as class counsel and finds good cause to certify the class as requested in the joint motion.

Accordingly, the Court enters the following Orders:

1. Subject to the approval by the Court at the Final Settlement Hearing, the Court hereby **CERTIFIES** an Ohio Civ. R. 23 Class Action of the following persons:

All people who, during the period January 2, 2016 to January 2, 2018, purchased a new vehicle from FMC, where they were charged a price over the advertised price and/or did not receive the advertised discount.
2. Subject to the approval by the Court at the Final Settlement Hearing, the Court hereby appoints Attorney Ronald Frederick and the law firm of Frederick & Breler, LLC as class counsel in this matter.
3. Subject to the approval by the Court at the Final Settlement Hearing, the Court **APPROVES** the Monies Available for Settlement in the amount of \$860,250.00 to be paid to the Claims Administrator by FMC;
4. Subject to the approval by the Court at the Final Settlement Hearing, the Court **APPROVES** the Class Administrator sending (a) a cash payment of \$125.00 dollars for

each transaction entered into, and; (b) a non-transferrable, one-time use Discount Certificate to use at FMC, valued at (A) \$500 toward the purchase of any vehicle or (B) twenty percent (20%) off any purchase of parts or service up to total of \$500.

5. Pending final approval, the Court **APPROVES** the Settlement Agreement attached hereto including up to a four hundred thousand dollars (\$400,000) award for Class Counsel Fees, Costs and Expenses and an incentive award in an amount of five thousand dollars (\$5,000) each to Jeffrey E. Long, (Johnathan and Sarah Harrison), and Byron Foxx, both of which to be payable from the initial Monies Available for Settlement upon final approval at the Final Settlement Hearing;
6. Counsel for Defendant is hereby authorized and **ORDERED** to retain American Legal Claims as Claims Administrator to serve the Notice of Class Action Settlement and Opt-Out attached as Exhibit A1 to the Settlement Agreement upon the putative Class Members and authorizing the Claims Administrator's fees and expenses to be paid by Class Counsel;
7. All putative Class Members who object or do not wish to participate in the proffered Settlement Agreement are **ORDERED** to opt out of the proposed Class or file objections to the proposed Settlement Agreement no more than sixty (60) days after the Mailing of the Class Notice;
8. Class Counsel is **ORDERED** to prepare and file with the Court a list identifying any Class Members whose Notices were returned undeliverable, a list identifying any Class Members who opted out of the Settlement Agreement, any objections to the Settlement Agreement, fourteen (14) days before the Final Settlement Hearing; and
9. The Final Settlement Hearing is set for **October 7, 2022 at 10:00 a.m.** at least one hundred and twelve (112) days after the entry of this Order to allow for service of the Notice of Class Action Settlement and Opt Out Notice on the putative Class Members and any response(s)/objection(s)). The Final Settlement Hearing will be held in person at the Summit County, Court of Common Pleas, Judge Tammy O'Brien's Court. If there are questions about appearing at the Final Settlement Hearing, interested individuals may contact Jennifer Venables at jvenables@cpcourt.summitoh.net.

Should the Settlement Agreement not be approved and fully implemented at the Final Settlement Hearing, this Order and all related proceedings, including but not limited to the Certification of the Class, appointment of class counsel and the Settlement and the amendment of the pleadings, shall be vacated. The Court's docket, including pleadings, shall return to the same state as they did on the day immediately preceding the filing of the joint motion which this Order grants.

IT IS SO ORDERED:



JUDGE TAMMY O'BRIEN

The Clerk of Courts is instructed to serve this Order on all parties not in default for failure to

appear.