



D132964601

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTERED
SEP 17 2021

JERRY GARRETT,	:	CASE NO. A 1904332
	:	
Plaintiff,	:	Judge Jody M. Luebbers
	:	
v.	:	<u>ORDER GRANTING FINAL</u>
	:	<u>APPROVAL OF CLASS ACTION</u>
GUARDIAN SAVINGS BANK,	:	<u>SETTLEMENT</u>
	:	
Defendant.	:	
	:	

Before this Court is Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Attorneys' Fees, Costs and Expenses, and Class Representative Incentive Award ("Final Approval Filings"). The Court has reviewed Plaintiffs' Final Approval Filings and conducted a Fairness Hearing on September 16, 2021. Upon consideration of this matter, the Court grants the final approval of this Settlement and Plaintiff's requests for attorneys' fees, reimbursement of costs and expenses, and Class Representative Incentive Awards and concludes that they are fair, reasonable, and adequate.

IT IS HEREBY ORDERED THAT:

1. The Settlement Agreement,¹ including the proposed notice plan and forms of notice to the Class, the appointment of Plaintiff as the Class Representative, the appointment as Counsel for Plaintiff as Class Counsel, the approval of CAC Services

¹ All capitalized terms used in this Order shall have the same meanings as set forth in the Settlement Agreement.

Group, LLC as the Settlement Administrator, the establishment of a \$71,500.00 Common Fund, and the proposed method of distribution from the Common Fund, are fair, reasonable, and adequate.

2. The Court does hereby grant final approval, for settlement purposes, the following Class:

All persons or entities who were the mortgagor to a mortgage from September 16, 2013 to September 16, 2019 or current owner of the real property to which the mortgage pertains from March 23, 2015 to September 16, 2019 where Guardian Savings Bank (or any predecessor or other entity acquired or merged with – or otherwise now part of Guardian Savings Bank – including any affiliates, subsidiaries, and/or related lending institutions) was the mortgagee for real property in the State of Ohio, whereby the mortgage was satisfied in full and Guardian Savings Bank failed to record an entry of mortgage satisfaction with the applicable county recorder's office within 90 days of the date of mortgage satisfaction.

3. The Court finds that the Class, for settlement purposes, satisfies all requirements under Rule 23 of the Ohio Rules of Civil Procedure and due process and therefore class certification is appropriate because (1) the Class is so numerous that joinder of all class members is impracticable; (2) there are common questions of law and/or fact that are common to the Class; (3) the Class Representative's claim is typical of the Class's claims; (4) the Class Representative fairly and sufficiently protected the Class's interest; (5) common issues predominate; and (6) a class action is the superior method for the fair and efficient adjudication of this matter.

4. CAC, the Settlement Administrator, issued over 200 trifold and/or

electronic notices in this case resulting in over 27 Valid Claims qualifying for Settlement Payments. CAC will also handle all distributions from the Common Fund. This Court finds that the payment of \$4,000.00 from the Common Fund to CAC for its settlement administration services in this case is reasonable and approves of such a payment to CAC.

5. This Court has reviewed the forms of the Notice provided to potential Class Members, including the trifold and electronic forms of Notice and the Settlement Website, and concludes that the Notice Program implemented by CAC and Class Counsel in this matter was fair and reasonable and permitted adequate notice to the Class of the settlement of this Action.

6. Class Counsel has requested attorneys' fees in an amount of \$23,833.33 from the Common Fund (1/3 of the Common Fund). Class Counsel's fee request is reasonable under the circumstances in this case and consistent with attorneys' fees awarded in other R.C. 5301.36 class actions in Hamilton County.

7. Class Counsel also submitted a summary of its expenses incurred in this matter totaling \$685.14. Class Counsel's request for expenses in the amount of \$685.14 are reasonable and hereby approved.

8. Plaintiff further requests a Class Representative Incentive Award in the amount of \$1,500.00. Class Representative Jerry Garrett submitted an affidavit attesting to his participation in this case. The Class Representative adequately represented the Class's interests in this matter by staying informed throughout the litigation and

thoroughly reviewing and approving the terms of the Settlement. The requested Incentive Awards are reasonable. Accordingly, the Court approves Incentive Award to Jerry Garrett in the amount of \$1,500.00.

9. Adopting the chart submitted in the Final Approval Filings, this Court approves the following allocation of the Common Fund and distributions from the Common Fund consistent the same:

GSB Settlement Projected Allocation²

Settlement Amount	\$71,500.00
Settlement Administration Cost	\$4,000.00
Court Costs/Expenses	\$685.14
Class Representative Incentive Award	\$1,500.00
Attorneys' Fees	\$23,833.33
Settlement Payments	\$8,100.00
Number of Valid Claims	27
Remainder Amount	\$33,381.53
Amount Contributed to Charity	\$8,345.38
Amount Retained By GSB	\$25,036.15

10. The fact that there were no objections or requests to opt-out from this Settlement supports a finding that the Settlement, including the administration of the Settlement, was reasonable. All members of the Class had the opportunity to object to the Settlement and the absolute right to opt-out of the Settlement. Because there were no objections and/or requests to opt-out, all Class Members have waived their right to pursue an independent remedy against GSB relating to this Action. The notices to the

² This amount may be reduced by the case costs incurred through the Court's Grant of Final Approval and the Effective Date.

Class appropriately advised all potential Class Members of their right to object to the Settlement or opt-out of the Settlement.

11. The Settlement on the terms and conditions set forth in the Settlement Agreement is finally approved and confirmed in all respects as fair, reasonable, and adequate under Ohio Rule of Civil Procedure 23. Furthermore, the Settlement as set forth in the Settlement Agreement is approved as it is in the best interest of the Class, especially in light of the benefits to the Class in the form of the Settlement Payments and the costs and risks associated with the complex proceedings of a class action lawsuit.

12. Class Counsel have fairly and adequately represented the Class and satisfied the requirements of Rule 23 of the Ohio Rules of Civil Procedure. Accordingly, they are finally approved as Class Counsel for the Class.

13. All provisions of the Settlement are finally approved in all respects. The parties to the Settlement Agreement are hereby directed to fully comply with the terms of the Court-approved Settlement Agreement.

14. All members of the Class who have Valid Claims and thus entitled to Settlement Payments shall have their payments issued to them promptly under the remaining portion of the Settlement Timeline:

SETTLEMENT TIMELINE

<u>Final Approval</u>	
Effective Date	+35 days
Payment of Attorneys' Fees and Expenses	+40 days
Payment Deadline	+56 days

15. All provisions of the Settlement Agreement are hereby incorporated into this Order as if fully rewritten herein. To the extent there are terms in this Order that conflict with the terms of the Settlement Agreement in any manner, the Settlement Agreement shall control.

16. This Action is hereby dismissed with prejudice; subject, however, to this Court retaining jurisdiction over compliance with and implementation of the Settlement Agreement and this Final Order and Judgment.

17. There is no just reason for delay, and this is a final, appealable order as of when it is stamped as received for filing.

18. Any outstanding courts costs will promptly be submitted by Class Counsel for future reimbursement from the Common Fund.

Date 9/14/21

FOR COURT USE ONLY	
S. C.	8
Line #:	_____

COURT OF COMMON PLEAS
ENTER
[Signature]
Hon. JUDITH M. GIESBERS
Hon. JUDITH M. GIESBERS
SERVE NOTICE
TO PARTIES PURSUANT TO CIVIL
RULE 58 WHICH SHALL BE TAXED
AS COSTS HEREIN.