

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

<p>AARON MANOPLA and EVELYN MANOPLA, on behalf of themselves and all other similarly situated</p> <p>Plaintiffs,</p> <p>v.</p> <p>HOME DEPOT USA, INC., ATLANTIC WATER PRODUCTS and JOHN DOES 1-25,</p> <p>Defendants.</p>	<p>Civil Action No. 3:15-cv-1120 (PGS)</p>
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ORDER GRANTING PRELIMINARY, NON-BINDING APPROVAL TO PROPOSED CLASS ACTION SETTLEMENT, APPROVING FORM OF CLASS SETTLEMENT NOTICE AND NOTICE DISTRIBUTION PLAN, AND SCHEDULING A DATE FOR THE FINAL APPROVAL/FAIRNESS HEARING

This matter having come before the Court upon an unopposed motion by Plaintiffs under Rule 23 of the Federal Rules of Civil Procedure for (a) preliminary, non-binding approval of a proposed class action settlement, (b) approval of a proposed form of the Class Settlement Postcard Notice, Class Settlement Email Notice, Publication Notice, and Class Settlement Long Form Notice, (c) approval of the proposed plan of notice and (d) setting a hearing date for the Final Approval/Fairness hearing to determine whether to grant final approval to the proposed class settlement, and the Court having considered the motion papers, and for good cause shown;

IT IS HEREBY ORDERED this 17 day of June, 2019 as follows:

1. The Court grants preliminary, non-binding approval of the proposed class action settlement;
2. This matter shall preliminarily proceed as a class action with a Settlement Class defined as follows:

All persons or entities within the United States who received any telephone calls from or on behalf of Defendants or their agents and/or employees made through the use of any automatic telephone dialing system or with an artificial or prerecorded voice between October 16, 2013 and June 1, 2015.

3. The Court preliminarily appoints Plaintiffs Aaron Manopla and Evelyn Manopla as the named Class Representatives and preliminarily appoints Marcus & Zelman, LLC, DeNittis Osefchen Prince PC and Todd M. Friedman, P.C., as Class Counsel.

4. For purposes of the proposed settlement only, the Court finds that this action meets the requirements for certification of a settlement Class under Rule 23 of the Federal Rules of Civil Procedure such that class notice should be provided.

5. The Court appoints Kurtzman Carson Consultants, LLC (“KCC”) as the Settlement Administrator.

6. The Court approves the content of the proposed Class Settlement Postcard Notice, Class Settlement Email Notice, the Publication Notice and Class Settlement Long Form Notice submitted by Counsel and the proposed manner of notice distribution set forth in the Settlement Agreement. The Court directs defendant Atlantic Water Products (“AWP”) to provide to the Settlement Administrator a list of any and all persons whom AWP’s records indicate may be class members and their last known postal addresses and/or email addresses within 20 days of this Order. The Court further directs that within 30 days of this Order, the Class Settlement Email Notice shall be emailed by the Settlement Administrator to all persons whom Defendant’s records indicate may be class members, at their last known email address, and the Class Settlement Postcard Notice shall be sent by first class mail by the Settlement Administrator to all persons whom AWP’s records indicate may be class members and whose email address is not known, at their last known postal address. In addition, within 30 days of this Order, the Settlement Administrator shall be responsible for posting the Class Publication Notice on the Settlement Website and in other media outlets as determined by the Settlement Administrator.

7. Within 30 days of this Order the Settlement Administrator shall create a Settlement Website (www.AWP-HomeDepotTCPA.com), which will contain information describing the settlement and will contain the Claim Form (Exhibit A to Settlement Agreement), Class Settlement Email Notice (Exhibit B to the Settlement Agreement), Class Settlement Postcard Notice (Exhibit C to Settlement Agreement), the Class Long Form Notice (Exhibit D to Settlement Agreement), the Publication Notice (Exhibit F to Settlement Agreement), Class Counsel's contact information, a copy of the Settlement Agreement and a copy of Plaintiffs' Third Amended Complaint. The Class Postcard Notice and the Class Long Form Notice and Claim Form will also be posted by Class Counsel in a prominent location on Class Counsel's website www.denittislaw.com.

8. Any objections to the proposed Class Settlement, or requests for exclusion from the class, must be submitted to the Clerk, post-marked no later than twenty (20) days prior to the Fairness Hearing scheduled in this matter. A Final Approval/Fairness hearing on whether to grant final, binding approval to the proposed class action settlement shall be held on September 23, 2019 at 11:00 a.m. in Courtroom 4E of the United States Courthouse, 402 East State Street, Trenton, New Jersey 08608.

9. Any memoranda of law or other documents in support of final approval of the proposed class settlement, copies of any objections or requests from exclusion that have been submitted to class counsel or defense counsel, and an affidavit attesting that class notice has been distributed in a manner consistent with this Order, must be submitted to the Court no later than 10 days prior to the hearing on final approval.

10. Based on the date of this Order and the date of the Fairness Hearing, the following are the certain associated dates in this Agreement:

Event	Date
Last day for the Claims Administrator to send Email Notice and Postcard Notice, provide Publication Notice, and start operating Settlement Website.	July 17, 2019
Deadline for Class Members to object to or request exclusion from the Settlement.	September 3, 2019
Fairness Hearing (all final approval briefing must be filed 10 days prior).	September 23, 2019 at 11:00 a.m.
Deadline for Class Members to file a claim.	September 20, 2019 by 5:00 p.m.

This Court may order the Fairness Hearing to be postponed, adjourned, or continued. If that occurs, the updated hearing date shall be posted on the Settlement Website but, other than the website posting, Defendants will not be required to provide any additional notice to Class Members.

11. In the event that the proposed settlement as provided in the Settlement Agreement is not granted final approval by the Court, then the Settlement Agreement, and all drafts, negotiations, discussions and documentation related thereto and orders entered by the Court in connection therewith shall become null and void. In such event the Agreement and all negotiations and proceedings related thereto shall be withdrawn without prejudice to the rights of any and all parties thereto, who shall be restored to their respective positions as of the date of the execution of the Agreement.



PETER G. SHERIDAN, U.S.D.J.

Date: June 17, 2019