

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO.1684-CV-03611-BLS2

MATTHEW PERLOW, on behalf of himself
and others similarly situated,

Plaintiff,

v.

ABC FINANCIAL SERVICES, INC. and
SEAS & ASSOCIATES, LLC,

Defendants.

~~PROPOSED~~ PRELIMINARY APPROVAL ORDER

Notice sent 09.05.18 MHB AMS EFH SHJULP

The Court having reviewed Plaintiff's Unopposed Motion for Preliminary Approval of the Settlement of this Action as well as the Stipulation and Settlement Agreement dated July 25, 2018 (the "Settlement Agreement") between Plaintiff Matthew Perlow, individually and on behalf of the Settlement Class ("Plaintiff"), and Defendants ABC Financial Services, Inc. and Seas & Associates, LLC (collectively "Defendants") and good cause appearing therefore, IT IS HEREBY ORDERED AS FOLLOWS:

1. For purposes of this Order, the Court adopts all the defined terms that are used in the Settlement Agreement, and incorporates those terms by reference in this Order.
2. The Court preliminarily approves the Settlement of this Action that is set forth in the Settlement Agreement. Subject to any further submissions that may be made at or prior to the

Final Approval Hearing described below, the Court finds that the Settlement is fair, just, reasonable and adequate to the certified Classes and its members.

3. On June 15, 2018, this Court issued its Memorandum and Order granting Defendants' motion for summary judgment and denying Plaintiff's motion for class certification. See Paper No. 16.

4. The Court hereby approves the form of Notice and Summary Notice attached hereto as Exhibits A and B. The Court finds that the Notice and Summary Notice are reasonably and practicably calculated to apprise the Settlement Class of the proposed Settlement, and their rights and obligations thereunder, including, *inter alia*, their rights to object to the Settlement and to attend the Final Approval Hearing.

5. The Court approves the plan of notice set forth in Paragraph 13 of the Settlement Agreement is appropriate and is reasonably and practicably calculated to apprise the Settlement Class of the proposed Settlement, and their rights and obligations thereunder, including, *inter alia*, their rights to object to the Settlement and to attend the Final Approval Hearing.

6. No later than October 12, 2018, Defendants shall provide Class Counsel and the Settlement Administrator (in electronic excel format) with the Class List (as set forth in Paragraph 12 of the Settlement Agreement), which shall contain the names and the most recent mailing addresses and email addresses of all members of the Settlement Class. The Class List shall also include each date upon which a member of the Settlement Class received an LD0 letter, each date of each payment a member made after receiving an LD0 letter, and the amount of each payment a member made after receiving an LD0 Letter. The Class List will include all Massachusetts consumers from whom ABC attempted to or did collect a purported debt between

November 22, 2012 and the date of the Settlement Agreement but exclude any individuals who paid the alleged debt within five days of ABC's initial communication to them.

7. The Settlement Administrator shall implement the plan of Notice and Summary Notice in accordance with Paragraph 13 of the Settlement Agreement. The Court finds that dissemination of the Notice, Summary Notice and plan of Notice described in Paragraph 13 of the Settlement Agreement constitutes the best notice practicable, and that it is reasonably calculated, under all the circumstances, to apprise the Settlement Class Members of the terms of the Settlement and afford them an opportunity to present objections, or otherwise avail themselves of their rights under the Settlement.

8. The Court further finds that the plan of Notice and Summary Notice meets the requirements of M.G.L. c. 93A, §9, the Massachusetts Rules of Civil Procedure and the requirements of Due Process of the Constitutions of the United States and the Commonwealth of Massachusetts, as well as any other applicable law and that such Notice and Summary Notice constitutes due and sufficient notice to all persons entitled thereto.

9. Not later than five (5) days before the Final Approval Hearing described below, Class Counsel shall file an affidavit or declaration from the Settlement Administrator attesting to compliance with and completion of the plan of Notice and Summary Notice set forth in the Settlement Agreement.

10. The Final Approval Hearing shall be held at ^{2:00pm} ~~12/18~~ m. on 12/19/18 20 , in Courtroom 1017, Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, to determine whether the proposed Settlement of the Action, as set forth in the Settlement Agreement, should be approved as fair, reasonable and adequate to the Settlement Class and its members, and whether the Final Order and Judgment approving the Settlement should be

entered. At the Final Approval Hearing, the Court also will determine whether Class Counsel's Fee Application and request for a Service Award to the Plaintiff should be approved. At that hearing the Court will also consider any timely objections to the Settlement Agreement, the Fee Application or the Service Award, and all responses to said objections by the Parties.

11. Twenty-one (21) days after the Notice and Summary Notice are mailed to the Settlement Class, Plaintiff shall file with the Court and serve on Defense Counsel, his motion for final approval of the Settlement, Class Counsel's Fee Application, and any supporting materials.


12. Any Settlement Class Member wishing to object to the approval of this Settlement Agreement, the Service Award or the Fee Application shall inform the Court and the Parties in writing of his or her objection by following the procedures and objection deadlines set forth in the Notice. Any Settlement Class member who fails to object to the Settlement, the Service Award or the Fee Application in the manner described in the Notice and Summary Notice shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement, the Service Award or the Fee Application at the Fairness Hearing, and shall be foreclosed from seeking any review of the Settlement, the Service Award or Fee Application by appeal or other means. As set forth in the Notice and Summary Notice, any and all objections must be submitted no later than thirty-five (35) days after Notice is mailed to the Settlement Class and be sent to Class Counsel, Defense Counsel and the Court. Any Party may file a response to any objection no later than five (5) days prior to the Final Approval Hearing.

13. The Court hereby directs the Parties, Class Counsel and Defense Counsel to proceed in accordance with the terms of the Settlement Agreement, and hereby authorizes them to take all acts reasonably necessary to implement this Preliminary Approval Order.

14. The Court may, for good cause, change the date of the Final Approval Hearing or extend any of the deadlines set forth in this Order without further notice to the Settlement Class Members.

IT IS HEREBY ORDERED.

Dated: 9/4/18, 2018


Justice of the Superior Court