

FILED

SEP 29 2025

HON. RUSSELL J. PASSAMANO, J.S.C.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

ROBERT A. SCHULTZ, JR., and DONNA  
L. SCHULTZ, *on behalf of themselves and  
those similarly situated,*

Plaintiffs,

vs.

MIDLAND CREDIT MANAGEMENT,  
INC.,

Defendant.

Civil Action  
Docket No. ESX-L-000142-22

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

THIS MATTER having been brought before the Court upon the application of Plaintiffs,  
Robert A. Schultz, Jr. and Donna L. Schultz, by and through their counsel, for an Order certifying  
this matter as a class action pursuant to Rule 4:32-2, and the Court having considered the pleadings,  
record, briefing, certifications, and arguments of counsel, *and for the reasons stated,*  
and good cause appearing;

The Court makes the following findings of fact:

- 1) The "Class", proposed by Plaintiffs is defined as:  
  
All natural persons with addresses within the State of New Jersey, to whom, beginning July 20, 2015 through and including April 25, 2016, Midland Credit Management, Inc., sent a Section 1692g initial communication or "LT1Y" letter in an attempt to collect a consumer debt with an original creditor of Capital One, and a current balance of less than \$600 at the time the letter(s) was sent, which contained the statement: "We will report forgiveness of debt as required by IRS regulations. Reporting is not required every time a debt is canceled or settled, and might not be required in your case."
- 2) The Class, at approximately 7,474 individuals, is so numerous that joinder of all member is impracticable;
- 3) There are questions of law and/or fact common to the Class, and these include:
  - a. Whether Midland is a debt collector under the FDCPA;
  - b. Whether Midland violated the FDCPA including 15 U.S.C. § 1692e;

- c. Whether Plaintiffs and the Class are entitled to damages.
- 3) The claims of Plaintiffs Robert and Donna Schultz are typical of the claims of the Class;
- 4) The Schultzes, and their counsel Flitter Milz, PC and The Kim Law Firm, will fairly and adequately protect the interests of the Class;
- 5) The questions of law and/or fact common to the members of the Class predominate over any questions affecting only individual members;
- 6) A Class Action is superior to other available methods for the fair and efficient adjudication of this controversy; and therefore

IT IS on this 29<sup>th</sup> day of September, 2025, ORDERED that Plaintiffs' Motion for Class Certification is GRANTED and the Court CERTIFIES the following class pursuant to R. 4:32-1(b)(2):

**All natural persons with addresses within the State of New Jersey, to whom, beginning July 20, 2015 through and including April 25, 2016, Midland Credit Management, Inc., sent a Section 1692g initial communication or "LT1Y" letter in an attempt to collect a consumer debt with an original creditor of Capital One, and a current balance of less than \$600 at the time the letter(s) was sent, which contained the statement: "We will report forgiveness of debt as required by IRS regulations. Reporting is not required every time a debt is canceled or settled, and might not be required in your case."**

IT IS FURTHER ORDERED that Robert Schultz and Donna Schultz are appointed as the Class Representatives;

IT IS FURTHER ORDERED that Flitter Milz, PC and The Kim Law Firm are appointed as Class Counsel;

IT IS FURTHER ORDERED that the Plaintiffs shall submit within thirty (30) days of the entry of this Order a Form and Plan for Class Notice in accordance with Rule 4:32-2(b).

*L opposed*  
*— unopposed*

*Russell J. Passman, JSC*