



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LULA WILLIAMS, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:17-cv-461

BIG PICTURE LOANS, LLC, *et al.*,

Defendants.

ORDER

This matter comes before the Court on Plaintiffs' Renewed Motion to Certify a Class (ECF No. 967). Upon consideration of the Motion, and Defendant's opposition thereto, the Court hereby GRANTS the Motion.

1. For the reasons stated in the Court's prior Memorandum Opinion (ECF No. 1106), the Court finds that Plaintiffs have not waived their right to bring a class action.

2. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court certifies the following Classes ("Classes"):

(a) **Big Picture RICO Class:** All Virginia consumers who entered into a loan agreement with Big Picture where a payment was made from June 22, 2013 to December 20, 2019.

(i) **Big Picture Usury Sub-class:** All

Virginia consumers who paid any principal, interest, or fees on their loan with Big Picture from June 22, 2015 to December 20, 2019.

(ii) **Big Picture Unjust Enrichment Sub-class:** All Virginia consumers who paid any amount on their loan with Big Picture from June 22, 2014 to December 20, 2019.

(b) **Red Rock RICO Class:** All Virginia consumers who entered into a loan agreement with Red Rock where a payment was made from June 22, 2013 to December 20, 2019.

(i) **Red Rock Usury Sub-class:** All Virginia consumers who paid any principal, interest, or fees on their loan with Red Rock from June 22, 2015 to December 20, 2019.

(ii) **Red Rock Unjust Enrichment Sub-class:** All Virginia consumers who paid any amount on their loan with Red Rock from June 22, 2014 to December 20, 2019.

3. As detailed in the accompanying Memorandum Opinion, the prerequisites to a class action under Fed. R. Civ. P. 23(a) have been preliminarily satisfied in that:

- (a) the Classes are so numerous that joinder would be impractical;
- (b) the claims of the Plaintiffs are typical of those of the other members of the Classes;
- (c) there are questions of fact and law that are common to all members of the Classes; and
- (d) the Plaintiffs will fairly and adequately protect the interests of the Classes and have

retained counsel experienced in consumer class action litigation who have and will continue to adequately represent the Classes.

4. Pursuant to Fed. R. Civ. P. 23(b)(3), the Court further finds that this action is maintainable as a class action because: (1) a class action is a fair and efficient adjudication of this controversy; and (2) questions of fact and law common to the members of the Classes predominate over any questions affecting only individual members.

5. The Court appoints Lula Williams, George Hengle, Gloria Turnage, Dowin Coffy and Marcella Singh, as administrator for Felix Gillison, Jr.'s estate as the Class Representatives. The Court also appoints the law firms of Kelly Guzzo, PLC, Consumer Litigation Associates, P.C., Terrell Marshall Law Group, PLLC, Berger Montague, P.C., and Caddell & Chapman as counsel for the Class ("Class Counsel").

6. Pursuant to the Court's March 12, 2019 Order (ECF No. 416), Class Counsel shall notify TranDotCom Solutions, LLC of this decision to arrange for the transmission of the necessary data to notify the Classes.

7. Class Counsel and Defendant Martorello shall confer to file a Notice Plan no later than two weeks from the date

of the entry of this Order. If the parties cannot agree on a Notice Plan, each side shall submit a pleading no longer than five pages no later than 21 days after the entry of this Order.

IT IS SO ORDERED.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 19, 2021