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ROOM 521

MATTHEW L. CHIPEGO, CHARLENE K. MOWREY, KIMBERLY CATALANO-PIKE, EXECUTRIX OF THE ESTATE OF CONSTANCE C. CHURCHILL, DECEASED, JORDAN EWING, ADMINSTRATOR OF THE ESTATE OF JOSEPH W. EWING, DECEASED, individually and on behalf of themselves and all other similarly situated

Plaintiffs

v.

FIVE STAR BANK and FINANCIAL INSTITUTIONS, INC.

Defendants

COURT OF COMMON PLEAS PHILADELPHIA COUNTY

CLASS ACTION

DOCKETED

MAY TERM, 2017

NOV - 5 2025

NO. 002466

R. POSTELL COMMERCE PROGRAM

Control No. 25106016

ORDER FOR FINAL JUDGMENT AND DISMISSAL

WHEREAS, Plaintiffs Matthew L. Chipeco, Charlene K. Mowery, Kimberly Catalano-Pile, executrix for the estate of Constance C. Churchill, deceased, and Joseph W. Ewing (the "Class Representatives" or "Plaintiffs") on behalf of themselves and the Class Members, and Defendants Five Star Bank and Financial Institutions, Inc. ("Defendants" or the "Bank"), have entered into and filed with the Court a Class Action Settlement Agreement and Release (the "Settlement Agreement");

WHEREAS, the Court on July 30, 2025 entered an Order Preliminarily Approving the Settlement ("Preliminary Approval Order");

WHEREAS, on November 4, 2025, beginning at 9:15 o'clock a.m. by Zoom hearing, the Court held a hearing to consider, among other things (i) whether the settlement reflected in the Settlement Agreement should be approved as fair, reasonable, adequate and in the best interests of the members of the Class; (ii) whether final judgment should be entered dismissing the claims of the members of the Class with prejudice and on the merits, as required by the Settlement

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Agreement; and (iii) whether to approve Plaintiffs' application for an award of Class Counsel fees and expenses and Class Representative service awards from the common fund;

WHEREAS, based on the foregoing, having heard the statements of counsel for the parties and of such persons who chose to appear at the final approval hearing, having considered all of the files, records and proceedings in the Action, including specifically the Settlement Agreement (and the exhibits appended thereto), the memoranda and other papers filed by the parties in support of final approval of the proposed settlement, Plaintiffs' request for the award of Class Representative service awards, and Plaintiffs' request for an award of Class Counsel fees and expenses;

WHEREAS, there has been one objection to the settlement and four Class Members have opted out.

THE COURT HEREBY FINDS, ORDERS AND ADJUDGES THAT:

1. **Notice to the Class:** Notice to the Class of the proposed Settlement has been provided by the Settlement Administrator pursuant to this Court's Order of Preliminary Approval, as attested to by the Affidavit of the Settlement Administrator. The Notice given to members of the Class by first class mail constituted due and sufficient notice of the Settlement to all persons entitled to be sent notice and fully satisfies the requirements of due process and Pa. R. Civ. P. 1712, 1714(c).

2. **Settlement Approved:** The proposed Settlement set forth in the parties' Settlement Agreement, a copy of which was filed as Ex. "1" to the Motion for Final Approval, is fair, reasonable, adequate, and in the best interests of the Class. The terms in this Order shall be interpreted in accordance with the definitions in the Settlement Agreement. All aspects of the Settlement Agreement are approved.

3. **Service Award:** Service awards of \$40,000 to each Class Representative are approved.

4. **Class Counsel Fees and Expenses:** The Court has reviewed the application for Class Counsel fees and expenses, and the documentation submitted in support. Consistent with the criteria set forth in Pa. R. Civ. P. 1717, and established Pennsylvania law providing for payment of reasonable counsel fees and expenses to Class Counsel from a common fund created for the benefit of the Class, the Court finds the cash payment of \$29,500,000, complete elimination of disputed Deficiency balances by accord and satisfaction in the sum of approximately \$55,323,663, and equitable type relief including correction of consumer credit reports of Class Members creates a common fund with an approximate value in excess of \$84,800,000.

Plaintiffs' request for Class Counsel fees in the sum of \$11,800,000 constitutes approximately 13.91% of the combined cash and debt cancellation and other relief afforded by the Settlement, is approved as fair and reasonable in light of the factors set forth in Pa. R. Civ. P. 1717, and in light of ongoing future services reasonably anticipated to be required to implement and oversee this settlement. Litigation expenses of Class Counsel are approved in the sum of \$134,727. Counsel fees and expenses are both to be paid out of the Settlement Fund, as set forth in the Settlement Agreement.

5. **Dismissal and Related Matters:**

a. The claims of all members of the Class, except those Class Members who have excluded themselves from the Class pursuant to paragraph 4.03 of the Settlement Agreement, and who are listed on Exhibit B attached to Exhibit 2 attached to the Motion for Final Approval filed with the Court on October 30, 2025, are hereby dismissed with prejudice, on the merits and without costs to any party.

b. Plaintiffs, on their own behalf and on behalf of each Class Member who did not exclude themselves, and Defendants, by operation of this release, shall be deemed to have fully, finally, and forever released, settled, compromised, relinquished, and discharged with prejudice any and all Settled Claims, and shall be forever barred and enjoined from instituting or further prosecuting any Settled Claim in any forum, including in any state or federal court.

c. In light of the notice given to the Class Members, Plaintiffs and all Class Members who did not exclude themselves shall be bound by the Settlement Agreement, and all of their Settled Claims shall be dismissed with prejudice and/or released.

6. **Cy Pres:** The Court approves the following allocation of residual funds pursuant to Pennsylvania Rule of Civil Procedure 1716: (a) 50% to the Pennsylvania Interest on Lawyers Trust Account (“IOLTA”); (b) 25% to Philadelphia Legal Assistance to support activities and programs which promote the delivery of civil legal assistance, including consumer credit education and counseling, to the indigent in the Commonwealth of Pennsylvania; and (c) 25% to Center for Elder Law & Justice, Buffalo, New York to support activities and programs which promote the delivery of civil legal assistance, including consumer credit education and counseling, to the indigent in the State of New York. All funds remaining after distribution(s) of the Net Fund to Class Members shall be distributed by the Settlement Administrator to these *cy pres* recipients, as called for in the Settlement Agreement.

7. **Continuing Jurisdiction:** Consummation of the settlement shall proceed as described in the Settlement Agreement. The Court retains jurisdiction of this matter in order to resolve any disputes which may arise in the implementation of the Settlement Agreement, the implementation of this Final Judgment and Order, or the distribution and allocation of the Settlement Fund. Final judgment shall be entered as provided herein.

BY THE COURT:



MICHAEL E. ERDOS, J.

11/5/25