

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL
CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA**

**DEONTE BROADY, on behalf
of himself and on behalf of all
others similarly situated,**

Plaintiff,

v.

CASE NO.: 2022 11719 CIDL

WASTE PRO USA, INC.,

Defendant.

_____ /

**ORDER OF PRELIMINARY
APPROVAL**

The Plaintiff's unopposed motion for preliminary approval of the proposed settlement agreement in this action; conditional certification of a class solely for settlement purposes; appointment of plaintiff's counsel as class counsel; appointment of plaintiff as class representative; approval of the proposed notice of the settlement and notice procedures; scheduling of a fairness hearing; and approval of deadlines and procedures for opting out, objecting, and filing a motion for an award of attorneys' fees, expenses, and an incentive award is **GRANTED**.

Capitalized terms in this Order shall have the meanings set forth in the Settlement Agreement.

I. Preliminary Approval of the Settlement

1. Based on a review of the motion for preliminary approval and all other papers submitted in connection with the motion, the Court finds it has jurisdiction over this action and that the named Plaintiff has standing as to his claims under 15 U.S.C. § 1681b(b)(2)(i)-(ii) and

15 U.S.C. § 1681b(b)(3)(A).

2. The settlement memorialized in the Settlement Agreement is preliminarily approved. For purposes of preliminary approval, the Court finds the proposed settlement fair, reasonable, and adequate.

3. The settlement is the result of good-faith, arm's-length negotiation by attorneys well-versed in the prosecution of Fair Credit Reporting Act actions.

II. Conditional Certification of the Proposed Rule 1.220 Settlement Class

4. For settlement purposes only, the Disclosure Settlement Class consists of:

All individuals who applied for or worked in a position with the Defendant or any of its affiliates or subsidiaries in the United States and who were the subject of a consumer report that was procured by Defendant or any of its affiliates or subsidiaries from June 5, 2020 through the date of final judgment.

5. For settlement purposes only, the Disclosure Settlement Class meets the requirements for class certification under Rules 1.220(a) and (b)(3), Florida Rules of Civil Procedure. The identities of the members of the Disclosure Settlement Class can be ascertained from records available to Defendant.

6. For settlement purposes only, the Disclosure Settlement Class satisfies Rule 1.220(a)(1) because the joinder of the class members is impracticable.

7. For settlement purposes only, the Settlement Classes satisfies Rule 1.220(a)(2) because the class members' claims share common questions of fact and law.

8. For settlement purposes only, the Settlement Classes satisfies Rule 1.220(a)(3) because the Plaintiff's claims and those of the class arise out of the same practice and are based on the same legal theories.

9. For settlement purposes only, Rule 1.220(a)(4) is satisfied because no conflict

of interest exists between the Named Plaintiff and the Settlement Class, and the Named Plaintiff has retained competent counsel to represent him and the Settlement Class. Plaintiff's counsel, Luis A. Cabassa, Brandon J. Hill, and Amanda E. Heystek, of Wenzel Fenton Cabassa, P.A., regularly engage in FCRA lawsuits and are capable of adequately representing the Settlement Class Members' interests in this action.

10. For settlement purposes only, Rule 1.220(b)(3) is satisfied because common legal and factual issues predominate over individualized issues. Resolution of the common issues for the members of the Settlement Classes in a single, coordinated proceeding is superior to individual lawsuits addressing the same legal and factual issues.

11. Additionally, both the Named Plaintiff and the Class Members have sufficient standing for settlement purposes.

III. Appointment of Class Counsel and Class Representative

11. Luis A. Cabassa, Brandon J. Hill, and Amanda E. Heystek of Wenzel Fenton Cabassa, P.A., are appointed as Class Counsel for the Settlement Class.

12. Class Counsel performed substantial work identifying, investigating, prosecuting, and settling Plaintiff's and the settlement Class Members' claims and have knowledge of the applicable law.

13. Deonte Broady is appointed as Class Representative.

IV. Notice

14. The proposed short form Notice of Settlement and Claim Form, which is attached as Exhibit B to the Settlement Agreement, is approved and must be sent via U.S. mail to the members of the Disclosure Settlement Class. The Question and Answer Notice (long form notice) that will be posted on the settlement website, which is attached as Exhibit C to the

Settlement Agreement, is also approved. Further, the notice procedures set forth in the Settlement Agreement are approved.

15. The content of the Notices comply with due process and Rule 1.220(d)(2), and is the best notice practicable under the circumstances such that it meets all requirements of due process.

16. The Court further orders that:

a. **Notice.** No later than ten (10) business days after entry of this Order (the “Notice Date”), the Settlement Administrator must mail the Notice and establish the Settlement Website, including the Question and Answer Notice, in accordance with the Settlement Agreement.

b. **Motion for Final Approval, Attorneys’ Fees a n d Costs.** No later than 21 days before the Final Fairness Hearing, the Parties are directed to file their Motion For Final Approval and Plaintiff’s attorneys’ fees and costs and the Named Plaintiff’s General Release Payment. Class Members shall file any opposition to Plaintiff’s Motion For Final Approval and as to Plaintiff’s attorneys’ fees and costs and the Named Plaintiff’s General Release Payment at least seven (7) days prior to the final hearing.

c. **Objections.** The deadline for filing and serving objections to the Settlement shall be sixty days after the Notice Date. Settlement Class Members who do not file an objection that meets all of the requirements set forth below and in the Settlement Agreement waive any objection to the Settlement. Objections must be filed with the Court, served on Class Counsel and Defendant’s Counsel (at the addresses listed below), reference this lawsuit and:

- (i) state the objector’s full name, current address, and telephone number;
- (ii) include the Claim Number listed on the Notice sent to the objector;

- (iii) contain the objector's original signature;
- (iv) state that the objector objects to the Settlement, in whole or in part;
- (v) state the legal and factual basis for the objection;
- (vi) attach copies of any documents that the objector wants the Court to consider in support of the objection;
- (vii) identify by name, address, and bar number any attorney who represents the objector with respect to the objection or who assisted or advised the objector in any way with respect to the objection;
- (viii) list by case name and civil action number all class action settlements to which the objector (or any attorney that meets the description of subsection vii immediately above) have objected within the last five years; and send each to the following:

Clerk of Court Clerk of the Court, Circuit Court of the Seventh Judicial Circuit, in and for Osceola County, Florida, 1769 E. Moody Blvd. Bunnell, FL 32110. File: *Broadly v. Waste Pro USA, Inc.*, Case No.: 2022 11719 CIDL

Class Counsel Brandon J. Hill
Luis A. Cabassa
Wenzel Fenton Cabassa, P.A.
1110 N. Florida Ave., Suite 300
Tampa, FL 33602

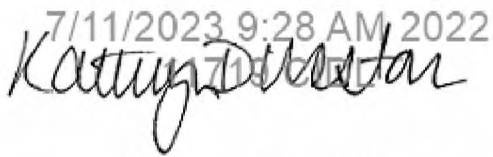
Defendants' Counsel Matthew J. Pearce,
Esquire Amy S. Shay,
Esquire Lance D.
King, Esquire
The VUE at Lake Eola
220 N. Rosalind Avenue
Orlando, Florida 32801

d. **Fairness Hearing**. The final Fairness Hearing is scheduled for **September 20, 2023**, at **9:30 A.M.** The hearing will be conducted by Zoom:

Audio & Video: <https://zoom.us/j/3869437060>

Meeting ID: 386 943 7060

DONE AND ORDERED, in Volusia County, Florida on

7/11/2023 9:28 AM 2022


e-Signed 7/11/2023 9:28 AM 2022 11719 CIDL

CIRCUIT JUDGE

Copy to Parties of Record by E-Service