

THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR GLADES COUNTY, FLORIDA  
CIVIL DIVISION

JUAN LOPEZ,

Plaintiff,

v.

OLDCASTLE APG, INC.,

Defendant.

CASE NO.: 2023 CA 213

DIVISION:

RECEIVED  
2024 DEC -9 AM 11:42  
CLERK OF COURT  
JUDICIAL CIRCUIT  
GLADES COUNTY  
FLORIDA

PROPOSED 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 general release payment is **GRANTED**.

**I. Preliminary Approval of the Settlement**

A. 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.

B. The proposed settlement is within the range for possible final settlement approval, and the proposed notice to the class is adequate.

C. 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**

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

Settlement Class:

All individuals who Defendant's records show were subject to a background check from ADP for employment with Oldcastle Lawn & Garden, Inc. from December 29, 2021 to the date of the Preliminary Approval Order..

F. For settlement purposes only, the 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 Settlement Class can be ascertained from records available to Defendant.

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

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

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

J. For settlement purposes only, Rule 1.220(a)(4) is satisfied because no conflict of interest exists between the Plaintiff and the Settlement Class, and the Plaintiff has retained competent counsel to represent her and the Settlement Class. Plaintiff's counsel, Luis A. Cabassa, Brandon J. Hill, and Amanda E. Heystek of Wenzel Fenton Cabassa, P.A., and Craig Marchiando of Consumer Litigation Associates have extensive experience litigating FCRA class action lawsuits like this, and are capable of adequately representing the Settlement Class Members' interests in this action.

K. 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 Class in a single, coordinated proceeding is superior to individual lawsuits addressing the same legal and factual issues.

L. For settlement purposes only, Plaintiff and the Class Members have sufficient standing.

**III. Appointment of Class Counsel and Class Representative**

M. Luis A. Cabassa, Brandon J. Hill, and Amanda E. Heystek of Wenzel Fenton Cabassa, P.A., and Craig Marchiando, of Consumer Litigation Associates, P.C., are appointed as Class Counsel for the Settlement Classes.

N. 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.

O. Juan Lopez is appointed as Class Representative.

**IV. Notice**

O. The proposed short form Notice of Settlement, 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 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.

P. The content of the Notice complies 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.

Q. The Court further orders that:

I. Notice. No later than ~~twenty-one (21)~~ <sup>January 10, 2025</sup> days after entry of this Order (the

“Notice Date”), the Defendant must provide the Class List to the Settlement Administrator. Next, within fifteen (15) days of receipt of the Class List the Settlement Administrator must, in turn, mail the Notice and establish the Settlement Website, including the Question and Answer Notice, in accordance with the Settlement Agreement.

2. **Motion for Final Approval, Attorneys’ Fees and Costs.** No later than 14 calendar days before the Final Fairness Hearing, Plaintiff is directed to file his Motion For Final Approval which shall also include the requested Plaintiff’s attorneys’ fees and costs.

3. **Objections.** The deadline for filing and serving objections to the Settlement shall be forty-five 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) contain the objector’s original signature;
- (iii) state that the objector objects to the Settlement, in whole or in part;
- (iv) state the legal and factual basis for the objection;
- (v) attach copies of any documents that the objector wants the Court to consider in support of the objection;
- (vi) 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;
- (vii) 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 vi 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 Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J, Suite 102, Morre Haven, Florida 33471, File: *Juan Lopez, on behalf of herself and on behalf of all others similarly situated, v. Oldcastle APG, Inc.*, Case No.: 23-CA-213;
- **Class Counsel** - Brandon J. Hill, Luis A. Cabassa, and Amanda e. Heystek Wenzel Fenton Cabassa, P.A., 1110 N. Florida Ave., Suite 300 Tampa, FL 33602; and Craig Marchiando, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1-A, Newport News, VA 23601;

- Defendant's Counsel – Nancy A. Johnson, Esq., Little Mendelson, P.C.  
111 N. Orange Avenue, Suite 1750, Orlando, Florida 32801-2366.

10:30AM 4. **Fairness Hearing**. The final Fairness Hearing is scheduled for <sup>MARCH 10 2025</sup> ~~[DATE]~~, at ~~[TIME]~~ at the Circuit Court of the Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J, Moore Haven, Florida 33471, in Courtroom [ ] before Judge JACK CUNYH

SO ORDERED, this 9 day of Dec, 2024.

Copies furnished to all counsel of record

  
CIRCUIT COURT JUDGE

**\*\*\*IMPORTANT FOR ALL PERSONS HAVING HEARINGS  
BEFORE THE COURT WITH ZOOM\*\*\***

The Court deems this matter may be heard through Zoom. Please follow the instructions below. Parties may appear in person if unable to attend through Zoom.

This is a courtesy and you must follow the rules. Failure to follow these rules may ban you from appearing by Zoom in the future.

1. Use the following link to join a Zoom Meeting from an electronic device (computer, tablet or smart phone with a working microphone and speaker(s) and an optional camera, and jointing with audio at:

Topic: LOPEZ v OLDCCASTLE 23CA213

Time: Mar 10, 2025 10:30 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/94478738667?pwd=RdPGvMV99Y5E4a1I7LzWxPmqxvjQp9.1>

Meeting ID: 944 7873 8667

Passcode: 930143

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One tap mobile

+17866351003,,94478738667#,,,,\*930143# US (Miami)

If you connect before your hearing is ready to begin, you may have to patiently wait to be brought into the hearing, as other hearings are being conducted.

Once in the hearing, **REMEMBER YOU ARE IN COURT. DO NOT SPEAK "OVER" OTHERS AND MAINTAIN APPROPRIATE DECORUM.** The hearing will be electronically recorded by the Court; except in civil hearings, but no court reporter will be provided.

If you have exhibits that you wish to introduce into evidence. **THEY SHOULD BE FILED ELECTRONICALLY OR BY MAIL TO THE CLERK OF COURT FAR IN ADVANCE OF THE HEARING,** with sufficient time to be entered into the viewable Court file.

**IF YOU DO NOT SPEAK ENGLISH AND NEED THE ASSISTANCE OF AN INTERPRETER, IT IS YOUR RESPONSIBILITY TO MAKE THE NECESSARY ARRANGEMENTS PRIOR TO THE HEARING AS THE COURT MAY OR MAY NOT BE OBLIGATED TO PROVIDE ONE FOR YOU.**