

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT IN  
AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

FERNANDEZ FORESTAL, on behalf  
of himself and on behalf of all  
others similarly situated,

Plaintiff,

v.

Case No.: 2023-CA-013634

SH GROUP OPERATIONS, L.L.C.,  
and STERLING INFOSYSTEMS, INC.,  
Defendants.

\_\_\_\_\_ /

**ORDER GRANTING MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT AND NOTICE OF SETTLEMENT CLASS**

Pursuant to Florida Rule of Civil Procedure 1.220, Plaintiff's Motion for Preliminary Approval of Class Settlement and Notice to Settlement Class, including 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, to the extent needed; and approval of deadlines and procedures for filing claims, opting out, objecting, and filing a motion for an award of attorneys' fees, expenses, and an incentive award is **GRANTED**.

**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 Plaintiff has standing and the Court has jurisdiction over this action. 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.

2. The proposed settlement is within the range of possible final settlement approval, and the proposed notice to the class is 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 class actions.

**II. Conditional Certification of the Proposed Rule 1.220 Settlement Class and Subclass:**

4. For settlement purposes only, the Settlement Class and SH Group Subclass are defined as:

**Settlement Class**

All individuals in the United States who were the subject of a consumer report furnished by Sterling to Kiosite, LLC between December 9, 2019, and November 6, 2022, excluding any employees, officers, or directors of the Sterling, any attorney appearing in this case, and any judge assigned to hear this action, together with their immediate family members and any persons employed by him or her.

**SH Group Subclass**

All individuals in the Settlement Class who were the subject of a consumer report procured by SH Group from Kiosite, LLC for employment purposes between December 9, 2019 and November 6, 2022, excluding any employees, officers, or directors of the SH Group, any attorney appearing in this case, and any judge assigned to hear this action, together with their immediate family members and any persons employed by him or her.

5. For settlement purposes only, the Settlement Class and SH Group Subclass meet the requirements for class certification under [Rules 1.220\(a\) and \(b\)\(3\), Florida Rules of Civil Procedure](#). The identities of the approximately 2,712 members of the Settlement Class and 212 members of the SH Group Subclass can be ascertained from records available to Defendant.

6. For settlement purposes only, the Settlement Class satisfies [Rule 1.220\(a\)\(1\)](#) because the joinder of approximately 2,712 class members is impracticable.

7. 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.

8. For settlement purposes only, the Settlement Class satisfies [Rule 1.220\(a\)\(3\)](#) because the Plaintiff's claims and those of the class arise out of the same alleged 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 Plaintiff and the Settlement Class, and Plaintiff has retained competent counsel to represent him and the Settlement Class. Plaintiff's counsel, Marc R. Edelman, regularly engages in FCRA lawsuits and other litigation similar to this action and has dedicated substantial resources to the prosecution of this action. Further, Plaintiff and Plaintiff's counsel have adequately represented 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 Class in a single, coordinated proceeding is superior to individual lawsuits addressing the same legal and factual issues.

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

11. For settlement purposes only, Marc R. Edelman is 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. Fernandez Forestal is appointed as Class Representative.

#### IV. Notice

14. The proposed notice of settlement (Notice), attached to the Settlement Agreement as Exhibit “1,” is approved and must be sent via email. Further, the notice procedures set forth in the Settlement Agreement are approved.

15. The content of the Notice complies with due process and [Rule 1.220\(d\)\(2\)](#).

#### V. Class Action Settlement Procedures

16. The Court approves the procedures for opting out (requesting exclusion), objecting, and submitting claim forms set forth in the Settlement Agreement.

17. The Court further orders that:

**a. Notice. No later than 21 days after entry of this Order (the “Notice Date”),**

The Settlement Administrator must email the Notice, in accordance with the Settlement Agreement.

**b. Fee and Incentive/General Release Compensation Motion.**

No later than 30 days before the Final Fairness Hearing, Plaintiff must file a motion for attorneys’ fees, expenses, and approval of incentive /general release compensation award.

**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:

- (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) be postmarked or deposited with an overnight delivery service or hand delivered no later than sixty days after the Notice Date; and
- (viii) be sent to each of the following:

Clerk of the Court	Clerk of the Court Hillsborough County Courthouse 800 East Twiggs Street Tampa, FL 33602 Re: <i>Fernandez Forestal</i> Case No.: 23-ca-013634
Class Counsel	Marc R. Edelman, Esq. MORGAN & MORGAN, P.A. 201 N. Franklin Street, Suite 700 Tampa, FL 33602 Re: <i>Fernandez Forestal Class Action</i> , No. 23-ca-013634
Counsel for Sterling Infosystems, Inc.	Alex Meier, Esq. Seyfarth Shaw, LLP 10575 Peachtree Street, N.E. Suite 2500 Atlanta, GA 30301 ameier@seyfarth.com Re: <i>Fernandez Forestal Class Action</i> , Case No.:23-ca-013634
Counsel for SH Group Operations	Peter Valori, Esq. Damian & Valori, LLP 1000 Brickell Avenue Suite 1020 Miami, FL 33131 Re: <i>Fernandez Forestal Class Action</i> , Case No.:23-ca-013634

**d. Opt Outs (Exclusions).** Opt out (exclusion) requests must be postmarked and sent by U.S. mail or electronic mail to the Settlement Administrator: *Fernandez Forestal* , *SH Group Operations, LLC* and *Sterling Infosystems, Inc.*, class action Settlement

*Administrator*, c/o American Legal Claims Services, no later than 60 days after the Notice Date. Settlement Class Members who do not file opt out (exclusion) requests that meet all of the requirements set forth below and in the Settlement Agreement shall be bound by the Settlement. Opt-out (exclusion) requests must contain:

- (i) An identifying reference to the case;
- (ii) Class Member's full name;
- (iii) Class Member's physical address and phone number;
- (iv) Last 4 digits of the Class Member's social security number;
- (v) the following statement: "I hereby request to be excluded from the Settlement in *Fernandez Forestal v. SH Group Operations and Sterling Infosystems, Inc.*, Case No.: 23-ca-013634, and understand that I will not be entitled to receive any proceeds from the Settlement."; and
- (vi) Class Member's signature or signature of authorized representative.

**e. Fairness Hearing.** The final Fairness Hearing is scheduled for **May 22, at 11:00 a.m.** by Zoom <https://zoom.us/j/3078346388> before Judge Helene L. Daniel. No later than 15 days after the expiration of the Opt-Out or Objection Deadline, Plaintiff must file a motion for final approval of the settlement.

**DONE AND ORDERED** on this 4 day of March, 2024.

Electronically Conformed 3/4/2024  
Helene Daniel

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Helene L. Daniel  
**CIRCUIT COURT JUDGE**

Copies furnished to:

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*Attorney for SH Group Operations*