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APR 17 2023

ROOM 521

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

CHRISTINA ATTERBURY, et al.	:	APRIL TERM, 2021	
	:		
Plaintiffs,	:	NO. 00637	
	:		
v.	:	CLASS ACTION	DOCKETED
	:		
EARN COMPANY, et al.,	:	Control No. 22053801	APR 18 2023
	:		
Defendants.	:		H. POSTELL COMMERCE PROGRAM

ORDER

AND NOW, this 17<sup>th</sup> day of April, 2023, upon consideration of plaintiff's Motion for Class Certification, the responses thereto, and all other matters of record, and after several hearings in this matter in which the parties agreed that certain class certification requirements were satisfied, and in accord with the Findings of Fact and Conclusions of Law entered simultaneously herewith, it is **ORDERED** as follows:

1. Said Motion is **GRANTED**;
2. Pursuant to Pa. R. Civ. P. 1710, the following Class is certified:  

All persons in the United States with whom Earn Company, Earn Finance Company LLC, or Credit Exterminators, Inc. entered into a Credit Repair Services Agreement beginning on February 10, 2016.
3. Plaintiff Christina Warner, nee Atterbury, is certified as representative for the Class;
4. Cary L. Flitter, Andrew M. Milz, and Jody T. López-Jacobs of Flitter Milz, P.C. shall serve as Class Counsel.
5. Within twenty (20) days of the date of entry of this Order, counsel for Earn Company, Earn Finance Company LLC, and Credit Exterminators, Inc. shall provide to Class

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Counsel a complete class list in computer readable form with the last and best-known address(es) of each person meeting the definition of the Class as set forth above; and

6. Within thirty (30) days of the date of entry of this Order, Class Counsel shall submit to the Court by Motion or Stipulation a proposed form of Notice to the Class to satisfy Pa. R. Civ. P. 1712.

**BY THE COURT:**



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**RAMY I. DJERASSI, J.**

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	:	
Defendants.	:	

**FINDINGS OF FACT**

1. Defendants Earn Company, Earn Finance Company LLC, and Credit Exterminators Inc. (“Earn/Credit Exterminators”) entered into Credit Repair Services Agreements and related documents with named plaintiff, Christina Warner, nee Atterbury, and approximately 1,328 other consumers.
2. Plaintiff alleges that these Credit Repair Services Agreements violated the Credit Repair Organizations Act, 15 U.S.C. § 1679 *et seq.* (“CROA”) in numerous ways.
3. Earn/Credit Exterminators allegedly failed to perform the credit repair services they agreed to conduct under the Credit Repair Services Agreements with named plaintiff and the other members of the class.

**CONCLUSIONS OF LAW**

1. The class of more than 1,300 people is so numerous that joinder of all members is impracticable.
2. There are questions of law and fact common to the class, such as: whether Earn/Credit Exterminators’ form contracts violated several requirements of CROA; whether Earn/Credit Exterminators charged or received upfront/advance fees before

the provision of any credit repair services in violation of CROA; and whether damages are recoverable by named plaintiff and the class under CROA.

3. Named plaintiff's claims are typical of the claims of the class in that all such claims arise from the same course and conduct of Earn/Credit Exterminators' business whereby consumers entered into credit repair services contracts with Earn/Credit Exterminators.
4. Named plaintiff and class counsel will fairly and adequately assert and protect the interests of the class.
5. A class action is a fair and efficient method of adjudicating this controversy. Any class members who may ultimately recover damages through proceedings brought by the Attorney General of the Commonwealth of Pennsylvania may be excluded from the class at a later stage in the proceedings, if appropriate.

#### CONCLUSION

For these reasons, plaintiff's Motion to Certify a Class is granted.

**BY THE COURT:**

  
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**RAMY I. DJERASSI, J.**