

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION**

RAJESH VERMA, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

WALDEN UNIVERSITY, LLC

Defendant.

Case No. 22-cv-776-BJD-JBT

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND
CERTIFICATION OF SETTLEMENT CLASSES**

WHEREAS, the Parties in the above-captioned litigation have advised the Court that they have settled the Litigation, the terms of which have been memorialized in a proposed settlement agreement ("Settlement Agreement");

WHEREAS, Plaintiff has applied to this Court through an unopposed motion for an order (1) certifying a proposed Class for settlement purposes; (2) granting Preliminary Approval of the Settlement Agreement resolving all claims in the above-captioned matter, (3) directing notice to the class, and (4) setting a fairness hearing; and

WHEREAS, the Court has read and considered Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Classes ("Motion"), the Settlement Agreement, and all of the supporting documents; and good cause appearing:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This Order incorporates by reference the definitions in the Settlement Agreement and all terms defined therein shall have the same meaning in this Order as set forth in the Settlement Agreement.
2. Plaintiff's Motion is **GRANTED**. It appears to this Court on a preliminary basis that the Settlement Agreement satisfies the elements of Fed. R. Civ. P. 23 and is fair, adequate, and reasonable.

3. The proposed Settlement Classes are hereby preliminarily certified pursuant to Fed. R. Civ. P. 23(a) and (b)(2) for purposes of settlement. The Settlement Classes are defined as:

Since June 6, 2018, all persons to whose telephone number Defendant placed (or had placed on its behalf) more than one telephone call in a 12-month period for the purpose of encouraging enrollment in or providing information about Walden University, after that person had asked Defendant to stop calling.

(“National Class”)

Since July 1, 2021, all persons to whose telephone number with a Florida area code Defendant placed (or had placed on its behalf) a telephone call for the purpose of encouraging enrollment in or providing information about Walden University after that person had asked Defendant to stop calling.

(“Florida Class”).

4. The Court finds that Plaintiff Rajesh Verma will fairly and adequately protect the interests of the Settlement Classes. As a result, the Court appoints and designates Plaintiff as representative of the Settlement Class.
5. The Court finds that attorney Jeremy M. Glapion of Glapion Law Firm and Eric Kem of Eric Kem Injury Lawyers are experienced and competent counsel who will continue to protect the interests of the Settlement Classes fairly and adequately. As a result, the Court appoints and designates Attorney Glapion and Attorney Kem as Class Counsel for the Settlement Class.
6. The Court finds that the Notice documents attached to the Settlement Agreement as Agreement Exhibits A and B and the Notice Plan included in the pending motion meet the requirements for due process, the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and ensure Notice is well calculated to reach representative class members. The Notice and Notice Plan are hereby approved.
7. As soon as practicable, but no later than forty-five (45) days after the Court's entry of a Preliminary Approval order (the “Notice Deadline”), the Settlement Administrator shall cause notice to be disseminated in accordance with the Notice Plan, and make available for download on the Settlement website:

- a. the class action complaint;
 - b. Plaintiff's unopposed motion for preliminary approval of class action settlement and certification of settlement class, and supporting documents; and
 - c. the Court's preliminary approval orders, as well as any supporting memorandum.
8. No less than fifteen (15) days before the fairness hearing scheduled in the Litigation, Plaintiff shall file a declaration from the stipulated class action settlement administrator that summarizes the work the administrator performed, proof of notice, and the list of exclusions (if any).
 9. The list of exclusions may be filed under seal.
 10. Within thirty (30) days of the Notice Deadline, Plaintiff shall move for reasonable attorneys' fees and costs, if requested.
 11. Within ninety (90) days of the Notice Deadline, any Settlement Class Member may object to the Settlement Agreement by filing written objections with the Clerk of the Court ("Objection Deadline"). Only such objecting Settlement Class Members shall have the right, and only if they expressly seek it in their objection, to present objections orally at the Fairness Hearing.
 12. Within seven (7) days after the Objection Deadline defined above, the Parties may respond to any timely-filed objections.
 13. Class Members may submit claims or request exclusion for ninety (90) days after the Notice Deadline.
 14. A final approval hearing shall be held before this Court no earlier than one hundred and twenty (120) days after the Notice Deadline. The Court hereby sets this hearing for which is _____ at _____ EST in the United States District Court for the Middle District of Florida, located at Bryan Simpson United States Courthouse, 300 North Hogan Street, Courtroom 12C, Jacksonville, Florida to determine whether the Settlement Agreement shall be granted final approval, and to address any related matters. No less than twenty (20) days before this date, Plaintiff shall file his Motion for Final Approval.
 15. The Fairness Hearing may, from time to time and without further notice to the Settlement Class members (except those who have filed timely objections or entered appearances), be continued or adjourned by order of the Court.
 16. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement Agreement

which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

ORDERED this _____ day of _____, 2024.

Hon. Brian J. Davis
United States District Judge