

IN THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF  
VIRGINIA  
Richmond Division

CRAIG KROMREY AND GREGORY  
MILLER, *on behalf of*  
*themselves and all similarly*  
*situated individuals,*

Civil Action No. 3:24-cv-575

Plaintiffs,

v.

CAPITAL ONE N.A.,

Defendant.

FINAL APPROVAL ORDER

This matter, having come before the Court on Plaintiffs' MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND FOR SERVICE AWARDS AND ATTORNEYS' FEES (ECF No. 60), with Defendant Capital One, N.A.; the Court having considered all papers filed and arguments made with respect to the settlement, and having provisionally certified, by Order entered December 3, 2025 (ECF No. 58), a "Settlement Class," and the Court, being fully advised, finds that:

1. Certification for settlement purposes of the Settlement Class, as defined by the Settlement Agreement proposed by the parties in this case (ECF No. 50-1) is appropriate pursuant to Federal Rules of Civil Procedure 23(a) and 23(b). Defined terms used in this Order are those defined

in the Settlement Agreement.

2. Notice to the Settlement Class required by Federal Rule of Civil Procedure 23(e) has been provided in accordance with the Court's Preliminary Approval Order. This Notice has been given in an adequate and sufficient manner; constitutes the best notice practicable under the circumstances; and satisfies Rule 23(e) and due process.

3. Defendant has timely filed notification of this settlement with the appropriate officials pursuant to the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715. The Court has reviewed such notification and accompanying materials and finds that Defendant's notification complies fully with the applicable requirements of CAFA.

4. The Settlement Agreement was arrived at as a result of arm's-length negotiations conducted in good faith by counsel for the parties and is supported by the parties.

5. The settlement as set forth in the Settlement Agreement is fair, reasonable, and adequate to the members of the Settlement Class under the analysis prescribed in In re Jiffy Lube Sec. Litig., 927 F.2d 155, 158-59 (4th Cir. 1991), specifically, in light of the complexity, expense, and duration of litigation and the risks involved in establishing liability, damages and in maintaining the class action through trial and appeal.

6. The relief provided under the settlement constitutes fair value given in exchange for the release of claims.

7. To the extent that Michael John Rader remains in the Settlement Class, his estate has been validly excluded from the Settlement Class in accordance with the provisions of the Preliminary Approval Order.

8. The parties and each Settlement Class Member have irrevocably submitted to the exclusive jurisdiction of this Court for any suit, action, proceeding, or dispute arising out of the Settlement Agreement.

9. It is in the best interests of the parties and the Settlement Class Members and consistent with principles of judicial economy that any dispute between any Settlement Class Member (including any dispute as to whether any person is a Settlement Class Member) and any Released Party which in any way relates to the applicability or scope of the Settlement Agreement or the Final Judgment and Order should be presented exclusively to this Court for resolution by this Court.

It is hereby ORDERED that the MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND FOR SERVICE AWARDS AND ATTORNEYS' FEES (ECF No. 60) is GRANTED. It is further ORDERED that:

10. This action is a class action against Defendant

Capital One, N.A., on behalf of a class of consumers that has been defined as follows:

All natural persons (1) who were reported as deceased by Capital One to the CRAs based on information related to their credit card accounts and (2) about whose credit card accounts Capital One received one or more disputes from the CRAs that were submitted between August 13, 2019, and the date when the Court grants preliminary approval of the class settlement; and (3) in response to one or more of those disputes, Capital One did not correct its deceased reporting.

11. The Settlement Agreement submitted by the parties for the Settlement Class is finally approved pursuant to Federal Rule of Civil Procedure 23(e) as fair, reasonable, and adequate and in the best interests of the Settlement Class. The Settlement Agreement shall therefore be deemed incorporated herein and the proposed Settlement is finally approved and shall be consummated in accordance with the terms and provisions thereof, except as amended or clarified by any subsequent order issued by this Court.

12. This Action is hereby dismissed on the merits, with prejudice and without costs.

13. As agreed by the parties in the Settlement Agreement, upon the Effective Date, the Released Parties shall be released and discharged in accordance with the Settlement Agreement.

14. Without affecting the finality of this judgment,

the Court hereby reserves and retains jurisdiction over this Settlement, including the administration and consummation of the Settlement. In addition, without affecting the finality of this judgment, the Court retains exclusive jurisdiction over Defendant and each member of the Settlement Class for any suit, action, proceeding, or dispute arising out of or relating to this Order, the Settlement Agreement, or the applicability of the Settlement Agreement. Without limiting the generality of the foregoing, any dispute concerning the Settlement Agreement, including, but not limited to, any suit, action, arbitration or other proceeding by a Settlement Class Member in which the provisions of the Settlement Agreement are asserted as a defense in whole or in part to any claim or cause of action or otherwise raised as an objection, shall constitute a suit, action or proceeding arising out of or relating to this Order. Solely for purposes of such suit, action or proceeding, to the fullest extent possible under applicable law, the parties hereto and all Settlement Class Members are hereby deemed to have irrevocably waived and agreed not to assert, by way of motion, as a defense or otherwise, any claim or objection that they are not subject to the jurisdiction of this Court, or that this Court is, in any way, an improper venue or an inconvenient forum.

15. Upon consideration of Class Counsel's application

for Attorneys' Fees and Expenses, and consideration of the twelve Johnson factors enumerated in Johnson v. Ga. Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), and the seven Gunter factors enumerated in Gunter v. Ridgewood Energy Corp., 223 F.3d 190, 195 n.1 (3d Cir. 2000), the Court awards \$803,985.31 as reasonable attorneys' fees and reimbursement for reasonable out-of-pocket expenses.

16. Upon consideration of the application for an individual settlement and Service Award, the Named Plaintiffs, Craig Kromrey and Gregory Miller, are each awarded the sum of ten thousand dollars (\$10,000), to be paid from the Settlement Fund, for the service they have performed for and on behalf of the Settlement Class.

17. The Court finds, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay, and directs the Clerk to enter final judgment.

It is so ORDERED.

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/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: April 24, 2026

AO 450 (Rev. 5/85) Judgment in a Civil Case

**UNITED STATES DISTRICT COURT**

-----Eastern----- DISTRICT OF -----Virginia-----  
Richmond Division

CRAIG KROMREY AND GREGORY  
MILLER, *on behalf of themselves and  
all similarly situated individuals*

Plaintiff(s),

**JUDGMENT IN A CIVIL CASE**  
Case number: 3:24-cv-575-REP

v.

CAPITAL ONE, N.A.

Defendant.

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED THAT IT IS ORDERED AND ADJUDGED** judgment is entered on behalf of the Plaintiffs Craig Kromrey and Gregory Miller, who are each awarded the sum of ten thousand dollars (\$10,000), to be paid from the Settlement Fund, for the service they have performed for and on behalf of the Settlement Class. The Court awards \$803,985.31 as reasonable attorneys' fees and reimbursement for reasonable out-of-pocket expenses. SEE ATTACHED FINAL APPROVAL ORDER.

April 24, 2026  
Date

FERNANDO GALINDO

Clerk



*Kathryn Saakyle*

(By) Deputy Clerk