

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

**AMBER HUMPHREY, on Behalf of Herself
and All Others Similarly Situated,**

Plaintiff,

vs.

**STORED VALUE CARDS, INC. (d/b/a
NUMI FINANCIAL), et al.,**

Defendants.

CASE NO. 1:18-cv-01050

JUDGE JAMES S. GWIN

AMENDED PRELIMINARY APPROVAL ORDER

WHEREAS, Plaintiff Amber Humphrey, on behalf of himself and the other Class Members in this action styled *Amber Humphrey v. Stored Value Cards, Inc. (d/b/a NUMI Financial) et al.*, Case No. 1:18-cv-01050 (the “Civil Action”) and Defendants have entered into an Amended Stipulation of Settlement, filed on April, 30, 2020 (the “Amended Stipulation”), after lengthy arms-length settlement discussions and mediation;

AND WHEREAS, the Court previously appointed Amber Humphrey as the Class Representative, appointed Matthew A. Dooley, Ryan M. Gembala, and Stephen Bosak as Class Counsel AND, WHEREAS, the Parties on September 20, 2019 made an application, pursuant to Federal Rule of Civil Procedure 23(e), for an order preliminarily approving the settlement of the Civil Action upon the terms and conditions set forth in the Stipulation;

AND, WHEREAS, the court entered an order preliminarily approving the settlement of the Civil Action upon the terms and conditions set forth in the Stipulation (Doc. 98);

AND, WHEREAS, subsequent thereto the Parties learned that the class size was much

larger than the 180,000 individuals contemplated at the time of the settlement;

AND, WHEREAS, the Parties on April 30, 2020 made an amended application, pursuant to Federal Rule of Civil Procedure 23(e), for an order preliminarily approving the settlement of the Civil Action upon the terms and conditions set forth in the Amended Stipulation;

AND, WHEREAS, the Court has reviewed the Parties' application for such order and has found good cause for the same.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court has conducted a preliminary assessment of the fairness, reasonableness, and adequacy of the Amended Stipulation, and hereby finds that the settlement falls within the range of reasonableness meriting possible final approval. The Court therefore preliminarily approves the proposed settlement as set forth in the Amended Stipulation subject to further consideration at the Fairness Hearing described below.

2. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the Court will hold a Fairness Hearing on October 22, 2020 at 9:00 a.m. in the Courtroom of Judge Gwin, United States District Court for the Northern District of Ohio, 801 West Superior Avenue, Cleveland, Ohio 44113 for the following purposes:

- a. determining whether the proposed settlement of the Civil Action on the terms and conditions provided for in the Agreement is fair, reasonable, and adequate and should be approved by the Court;
- b. considering the application of Class Counsel for an award of attorneys' fees and reimbursement of expenses, as provided in the Amended Stipulation;
- c. considering whether the Court should enter the [Proposed] Judgment, Final Order, and Decree;

- d. considering whether the release by the Class Members of the Released Claims as set forth in the Amended Stipulation should be provided; and
 - e. ruling upon such other matters as the Court may deem just and appropriate
3. The Court may adjourn the Fairness Hearing and later reconvene such hearing without further notice to the Class Members.
 4. The Parties may further modify the Amended Stipulation prior to the Fairness Hearing, so long as such modifications do not materially change the terms of the settlement provided thereunder. The Court may approve the Amended Stipulation with such modifications as may be agreed to by the Parties, if appropriate, without further notice to the Class Members.
 5. Class Members must file and serve any objections to the proposed settlement or requests to opt-out from the settlement not later than 60 days after distribution of the Class Notices, including any memorandum and/or submissions in support of said objection, which deadline will be set forth in the Class Notice.
 6. Class members must submit claim forms not later than 60 days after distribution of the Class Notices.
 7. All papers in support of the Settlement and any application for an award of attorneys' fees, actual out-of-pocket expenses and/or class representative incentive awards must be filed with the Court and served at least ten (10) days prior to the Fairness Hearing.
 8. The Court approves, as to form and content, the proposed Notice of Class Action Settlement, which is attached to the Amended Stipulation.
 9. Within 90 days of this Order, the Settlement Administrator shall cause the Class Notice to be sent to each Class Member by first-class United States Mail.
 10. The Court finds that the distribution of the Class Notice substantially meets the

requirements of Federal Rule of Civil Procedure 23 and due process, is the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

11. The Court approves American Legal Claims Services, LLC to administer the settlement (“Settlement Administrator”). The Settlement Administrator shall cause the dissemination of the Class Notices and supervise and carry out the notice procedure, the processing of claims, and other administrative functions, and shall respond to Class Member inquiries, as set forth in the Amended Stipulation and this Order under the direction and supervision of the Court.

12. All costs of administering the settlement shall be paid from the Settlement Fund, as set forth in the Amended Stipulation.

13. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the settlement, including the administration and enforcement of the Amended Stipulation.

IT IS SO ORDERED.

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE