

**FILED**  
**02-29-2024**  
**Anna Maria Hodges**  
**Clerk of Circuit Court**  
**2023CV009204**

**DATE SIGNED: February 29, 2024**

Electronically signed by Hon. William W. Brash III  
Reserve Judge

**STATE OF WISCONSIN**

**CIRCUIT COURT  
CIVIL DIVISION**

**MILWAUKEE COUNTY**

JAMES ELLIS and DARRYL ELLIS,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

NATIONSTAR MORTGAGE LLC d/b/a  
MR. COOPER,

Defendants.

Case No. 2023CV9204

Hon. William W. Brash III  
Branch 44

---

**PRELIMINARY APPROVAL ORDER**

---

This matter coming before the Court on the Parties’ request for preliminary approval of a Class Action Settlement Agreement (“Agreement”) between Class Representatives James Ellis and Darryl Ellis (“Plaintiffs”) and Class Counsel with Defendant Nationstar Mortgage LLC d/b/a Mr. Cooper (“Defendant”), and notice to the Class, the Court being fully advised in the premises,

**IT IS HEREBY ORDERED:**

1. The Court finds that the Agreement, the terms of which are fully set forth in the Agreement, is within the range of fairness and reasonableness and grants preliminary approval to it.

2. For the purposes of settlement, the Parties stipulate to the certification of the class (the “Class”) and the subclass (the “Subclass”) defined below.

The Class is defined as follows:

(a) all natural persons in the United States of America (b) whose residential mortgage loan servicing rights were transferred from PUF to Nationstar, and (c) to whom PUF and Nationstar mailed “Notice of Transfer of Servicing Rights” letters in substantially the same form as Exhibits C and E to the Complaint.

The Subclass is defined as follows:

(a) all natural persons in the United States of America, (b) whose residential mortgage loan servicing rights were transferred from PUF to Nationstar and (c) who had executed an electronic funds transfer authorization with their prior servicer, (d) and from whom PUF and Nationstar collected overlapping payments.

Based on its records, Defendant estimates that the Class described above includes approximately 125,000 persons and the Subclass described above includes approximately 3,000 persons. James Ellis and Darryl Ellis are appointed as Class Representatives, and Shpetim Ademi, John D. Blythin, Jesse Fruchter, and Ben J. Slatky, and Ademi LLP are appointed as class counsel.

3. A Final Approval hearing on the fairness and reasonableness of the Agreement and whether the final approval shall be given to it and the requests for fees and expenses by counsel for the Class will be held before this Court on **Wednesday, July 24, 2024, at 1:30 p.m.**, in Courtroom 415 of the Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233.

4. Defendant shall pay Two Hundred Thousand Dollars (\$200,000) into a Common Fund deposited into an Escrow Account no later than thirty (30) days after the entry of this Order. The Court approves the proposed form of notice to each class, to be directed to the last known address of the Class members as provided by a national change of address database update search. Plaintiffs will mail, or caused to be mailed, either through Class Counsel or through a claims

administrator, a postcard notice to Class members on or before **April 15, 2024**. Plaintiffs, either by counsel or through its claims administrator, will have the notice sent by any form of U.S. Mail. Further, Plaintiffs, either through Class Counsel or through a claims administrator, will establish a settlement website, containing the long form notice and claim form, on or before **April 15, 2024**.

5. The Court finds that mailing of the postcard notice and inclusion of the long form notice on the settlement website is the only notice required and that such notice satisfies the requirements of due process and Wis. Stat. § 803.08. *See Gupta [v. Power Solutions International, Inc.]*, No. 1:16-cv-08253, 2019 U.S. Dist. LEXIS 83984 \*9-10 (N.D. Ill. May 13, 2019) (finding the dissemination of a Postcard Notice, the online posting of the Internet Notice, and the publication of the Summary Notice to be the best notice practicable.).

6. Class members shall have until 45 days from the date notice is mailed to them to request exclusion (opt out) or object to the proposed settlement. Any Class member who desires to exclude him or herself from the action must send his or her written request for exclusion in writing to the Settlement Administrator by that date. Any Class members who wish to object to the settlement must submit an objection in writing to the Clerk of the Milwaukee County Circuit Court and serve copies of the objection on counsel for both Plaintiffs and Defendant by that date. Any objection must include the name and number of the case and a statement of the reason why the objector believes that the Court should find that proposed settlement is not in the best interests of the Class. Objectors who have filed written objections to the settlement must also appear at the Final Approval hearing and be heard on the fairness of a settlement.

7. In order to receive a portion of the cash payment under the settlement, the Class members must complete and return a claim form by 45 days from the date notice is mailed to them. The claim form will be available on the settlement website.