

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR OSCEOLA COUNTY, FLORIDA  
CIVIL DIVISION**

**BRENDA LOPEZ,**

**Plaintiff,**

**CASE NO.: 2020-CA-002511-OC**

v.

**OLLIE'S BARGAIN OUTLET, INC.,**

**Defendant.**

\_\_\_\_\_ /

**[PROPOSED] ORDER OF PRELIMINARY APPROVAL**

The Plaintiff's unopposed motion for preliminary approval of the proposed settlement agreement in this action; conditional certification of a class solely for settlement purposes; appointment of plaintiff's counsel as class counsel; appointment of plaintiff as class representative; approval of the proposed notice of the settlement and notice procedures; scheduling of a fairness hearing; and approval of deadlines and procedures for opting out, objecting, and filing a motion for an award of attorneys' fees, expenses, and an incentive award is **GRANTED**.

**I. Preliminary Approval of the Settlement**

A. The settlement memorialized in the Settlement Agreement is preliminarily approved. For purposes of preliminary approval, the Court finds the proposed settlement fair, reasonable, and adequate.

B. The proposed settlement is within the range for possible final settlement approval, and the proposed notice to the class is adequate.

C. The settlement is the result of good-faith, arm's-length negotiation by attorneys well-versed in the prosecution of Fair Credit Reporting Act actions.

## **II. Conditional Certification of the Proposed Rule 1.220 Settlement Class**

E. For settlement purposes only, the Settlement Classes consists of:

### **The Florida Settlement Class:**

All of Defendant's employees and job applicants who applied for or worked in a position with the Defendant in Florida, to whom Ollie's provided FCRA disclosure and authorization forms in the same or substantially the same form as those provided to Plaintiff ,, within two years of the filing of the Complaint through the date of final judgment.

F. For settlement purposes only, the Settlement Class meets the requirements for class certification under Rules 1.220(a) and (b)(3), Florida Rules of Civil Procedure. The identities of the members of the Settlement Class can be ascertained from records available to Defendant.

G. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(1) because the joinder of the class members is impracticable.

H. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(2) because the class members' claims share common questions of fact and law.

I. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(3) because the Plaintiff's claims and those of the classes arise out of the same practice and are based on the same legal theories.

J. For settlement purposes only, Rule 1.220(a)(4) is satisfied because no conflict of interest exists between the Plaintiff and the Settlement Class, and the Plaintiff has retained competent counsel to represent her and the Settlement Class. Plaintiff's counsel, Luis A. Cabassa and Brandon J. Hill of Wenzel Fenton Cabassa, P.A., have extensive experience litigating FCRA class action lawsuits like this, and are capable of adequately representing the Settlement Class Members' interests in this action.

K. For settlement purposes only, Rule 1.220(b)(3) is satisfied because common legal and factual issues predominate over individualized issues. Resolution of the common issues for

the members of the Settlement Class in a single, coordinated proceeding is superior to individual lawsuits addressing the same legal and factual issues.

### **III. Appointment of Class Counsel and Class Representative**

L. Luis A. Cabassa and Brandon J. Hill of Wenzel Fenton Cabassa, P.A., are appointed as Class Counsel for the Settlement Classes.

M. Class Counsel performed substantial work identifying, investigating, prosecuting, and settling Plaintiff's and the settlement Class Members' claims and have knowledge of the applicable law.

N. Brenda Lopez is appointed as Class Representative.

### **IV. Notice**

O. The proposed short form Notice of Settlement, which is attached as Exhibit B to the Settlement Agreement, is approved and must be sent via U.S. mail to the members of the Settlement Class. The Question and Answer Notice (long form notice) that will be posted on the settlement website, which is attached as Exhibit C to the Settlement Agreement, is also approved. Further, the notice procedures set forth in the Settlement Agreement are approved.

P. The content of the Notice complies with due process and Rule 1.220(d)(2), and is the best notice practicable under the circumstances such that it meets all requirements of due process.

Q. The Court further orders that:

1. **Notice.** No later than fifteen (15) business days after entry of this Order (the "Notice Date"), the Settlement Administrator must mail the Notice and establish the Settlement Website, including the Question and Answer Notice, in accordance with the Settlement Agreement.

2. **Motion for Final Approval, Attorneys' Fees and Costs.** No later than 21 days before the Final Fairness Hearing, the Parties are directed to file their Motion For Final Approval which shall also include the requested Plaintiff's attorneys' fees and costs. Class Members shall have the opportunity to respond to Plaintiff's Motion within seven days of filing, with Plaintiff having a right of reply also within seven days.

3. **Objections.** The deadline for filing and serving objections to the Settlement shall be sixty days after the Notice Date. Settlement Class Members who do not file an objection that meets all of the requirements set forth below and in the Settlement Agreement waive any objection to the Settlement. Objections must be filed with the Court, served on Class Counsel and Defendant's Counsel (at the addresses listed below), reference this lawsuit and:

- (i) state the objector's full name, current address, and telephone number;
- (ii) include the Claim Number listed on the Notice sent to the objector;
- (iii) contain the objector's original signature;
- (iv) state that the objector objects to the Settlement, in whole or in part;
- (v) state the legal and factual basis for the objection;
- (vi) attach copies of any documents that the objector wants the Court to consider in support of the objection;
- (vii) identify by name, address, and bar number any attorney who represents the objector with respect to the objection or who assisted or advised the objector in any way with respect to the objection;
- (viii) list by case name and civil action number all class action settlements to which the objector (or any attorney that meets the description of subsection vii immediately above) have objected within the last five years; and send each to the following:
  - Clerk of Court - Clerk of the Court, Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Florida, 2 Courthouse Square Kissimmee, Florida 34741, File: *Lopez v. Ollie's Bargain Outlet, Inc.*, Case No.: 2020-CA-002511-OC;
  - Class Counsel - Brandon J. Hill and Luis A. Cabassa Wenzel Fenton Cabassa, P.A., 1110 N. Florida Ave., Suite 300 Tampa, FL 33602;
  - Defendant's Counsel - Matthew R. Simpson and JonVieve D. Hill, FISHER & PHILLIPS, LLP, 1075 Peachtree Street NE, Suite 3500 Atlanta, GA 30309

4. **Fairness Hearing**. The final Fairness Hearing is scheduled for [DATE], at  
1-6-2022

[TIME] at the Circuit Court of the Ninth Judicial Circuit, in and for Osceola County, Florida, 2  
8:30 AM VIA WEBEX: <https://ninthcircuit.webex.com/meet/div22>

Courthouse Square Kissimmee, Florida 34741, in Courtroom [ 5C ] before Judge

EGAN. SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

*Robert Egan 12/10/2021*  
\_\_\_\_\_  
**CIRCUIT COURT JUDGE**

Copies furnished to all counsel of record