

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT SUNDIN,)	
on behalf of himself and a class,)	
)	
Plaintiff,)	13-CV-1560
)	
vs.)	
)	Magistrate Judge Sidney I. Schenkier
STELLAR RECOVERY, INC.,)	
)	
Defendant.)	

AMENDED PRELIMINARY APPROVAL ORDER

This matter coming before the Court on the joint request of the parties for preliminary approval of a Class Action Settlement Agreement, and based upon the papers submitted to the Court and all of the proceedings had in this matter to date, IT IS HEREBY ORDERED:

1. Solely for purposes of settlement, the following Settlement Class is provisionally certified pursuant to Fed. R. Civ. P. 23(b)(2):

(a) all persons with United States cellular numbers, (b) who on or after February 28, 2009 (c) received automated calls from Defendant (d) where Defendant did not have prior express consent to make the automated calls (for example, where the number was obtained through skip tracing or captured by Defendant's equipment from an inbound call, or Defendant called the number after consent had been revoked).

2. Based on the parties' stipulations, and for settlement purposes only:

(A) The class as defined is sufficiently numerous such that joinder is impracticable;

(B) Common questions of law and fact predominate over any questions affecting only individual Class Members, and include whether or not Defendant

violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* by, without consent, making calls to the cell phones of plaintiffs and class members using an Automatic Telephone Dialing System or leaving messages with an artificial or prerecorded voice.;

- (C) The claims of Plaintiffs Robert Sundin, Amanda Knapp-Ellis, and Robert Soriano are typical of the Class Members' claims;
- (D) Plaintiffs Robert Sundin, Amanda Knapp-Ellis, and Robert Soriano are appropriate and adequate representatives for the Class and their attorneys, Cassandra P. Miller and Edelman, Combs, Lattuner and Goodwin, LLC, Beth E. Terrell, Adrienne D. McEntee and Terrell Marshall Law Group PLLC, SaraEllen Hutchison and Law Office of SaraEllen Hutchison PLLC, Thomas Jarrard and Law Office of Thomas G. Jarrard, and Robert W. Mitchell, Attorney at Law, are hereby appointed as Class Counsel; and
- (E) Defendant has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

3. The Court finds that the proposed settlement is within the range of fairness and reasonableness and grants preliminary approval to it. In the event that the proposed settlement is not finally approved for any reason, Defendant shall, pursuant to the Settlement Agreement, retain its right to contest certification of the Class.

4. The Court approves the proposed form of notice to the Class, and directs that notice be implemented in accordance with the Settlement Agreement. Class Counsel shall file an affidavit

with the Court, at least 5 business days prior to the Final Approval Hearing, attesting that notice has been so given.


5. The Court finds that the notice at Docket Entry No. 87 is the only notice to the Class Members that is required and further finds that such notice satisfies the requirements of due process and Fed. R. Civ. P. 23.

6. Class Members shall have ninety (90) days from the date of this Order, or until July 19, 2016, to object to the proposed Settlement Agreement.

7. Any Class Member who objects to the settlement contemplated by the Settlement Agreement shall have a right to appear and be heard at the Final Approval Hearing provided that such Class Member files with the Court and delivers to Class Counsel and Defendant's counsel a written notice of objection together with a statement of reasons for the objection, postmarked no later than ninety (90) days from the date of this Order, or until July 19, 2016. Class Counsel and Defendant's counsel may, but need not, respond to the objections, if any, by means of a memorandum of law no later than, October 5, 2016.

8. A Final Approval Hearing on the fairness and reasonableness of the Settlement Agreement will be held before this Court on October 10, 2016 at 11:00 a.m.

SO ORDERED this 27th day of April, 2016.


Honorable Sidney I. Schenkier
United States Magistrate