

Notice

NOTICE IN FINAL
04.13.17
K.D.G.

(WT)

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Superior Court
Civil No. 2014-3292-BLS2

<u>SHARON GRANT,</u>)
individually and on behalf of all others)
similarly situated,)
Plaintiff)
)
v.)
)
<u>STATE ROAD AUTO SALES, INC.,</u>)
Defendant)

PRELIMINARY APPROVAL ORDER

After hearing, and the Court having reviewed the Settlement Agreement dated April 12, 2017, (the "Settlement Agreement") between Sharon Grant, on behalf of herself and all others similarly situated, and State Road Auto Sales, Inc., and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Court adopts all defined terms as set forth in the Settlement Agreement, which are incorporated herein by reference.
2. The Court preliminarily approves the terms of the Settlement Agreement as being fair, just, reasonable and adequate to the Settlement Class, subject to further consideration at the Final Approval Hearing described below.
3. The Court finds that the Settlement Class, as defined in Section III(B) of the Settlement Agreement, meets, for settlement purposes only, the prerequisites of Rule 23 of the Massachusetts Rules of Civil Procedure for certification of a settlement class. The Court therefore provisionally certifies the Settlement Class for the purposes of settlement and without prejudice to the Parties in the event the Settlement is not finally approved or otherwise does not take effect.

4. The Court hereby appoints Sharon Grant as Class Representative for purposes of entering into and implementing the Settlement. The Court also appoints Class Counsel, as defined in Section II(4) of the Settlement Agreement, as counsel for the above Class Representative and the Settlement Class.
5. The Court finds that the Notice in the form attached to the Settlement Agreement as Exhibit 1 is reasonably and practicably calculated to notify Settlement Class Members of, *inter alia*, the pendency of the Action, the nature of the Action, the relief to be provided, and the rights of Class Members to object to the Settlement and to appear at the Final Approval Hearing.
6. Within thirty (30) days of entry of this Order, the Class Notice (Exhibit 1) shall be mailed by the Settlement Administrator to the address on file with Defendant for each Class Member in accordance with the Settlement Agreement. If a Notice is returned as undeliverable, and a forwarding address is provided by the U.S. Postal Service, the Settlement Administrator shall re-mail the Notice to such forwarding address within fourteen (14) days. Prior to the Final Approval Hearing, the Administrator shall file with the Court an affidavit of compliance with the above Notice plan and procedures.
7. The Court finds that dissemination of the Notice in the manner described above has a reasonable chance of reaching a substantial percentage of the Settlement Class Members and constitutes the best notice practicable under all the circumstances. The Court further finds that dissemination of the Notice in the manner described above meets the requirements of the Massachusetts Rules of Civil Procedure and the due process requirements of the Constitution of the Commonwealth of Massachusetts and the United States Constitution and any other applicable law, and shall constitute adequate and sufficient notice to all persons entitled thereto.

8. No later than the date when Class Notice is mailed, Class Counsel will post on their websites the full Settlement Agreement and the Long-Form Class Notice, and a summary of the rights of and relief available to Class Members.
9. Any Settlement Class Member may object to the proposed Settlement by delivering to Class Counsel, by first-class mail or facsimile, a written statement of objection in accordance with Section V of the Settlement Agreement. Class Counsel will furnish copies of all objections to Defendant's counsel. In order to be valid, an objection must be postmarked within sixty (60) days of the mailing of Class Notice. Any Class Member who wishes to appear and be heard at the Final Approval Hearing, either in person or through counsel, must so indicate in the objection.
10. The Final Approval Hearing shall be held at 2:00 p.m. on September 6, 2017, in Courtroom 1017, Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, to determine whether the Settlement Agreement should be approved as fair, reasonable and adequate to the Settlement Class; whether Class Counsel should be awarded legal fees and expenses in the amounts requested; whether the Class Representative should be awarded an Incentive Award in the amount requested; and whether the Final Order and Judgment approving the Settlement and dismissing the claims of the Class Representative and the Settlement Class Members should be entered. All documents supporting Class Counsel's request for attorneys' fees and expenses and supporting the Class Representative's request for an Incentive Award shall be served on Defendant's counsel and filed with the Court no later than seven (7) days prior to the Final Approval hearing. The Court may continue or adjourn the Final Approval Hearing without further notice to Settlement Class Members.

11. Pending determination of final approval of the Settlement, the Class Representative and Settlement Class Members are hereby enjoined from asserting, commencing, continuing or prosecuting any of the Released Claims, as defined in the Agreement, against Defendant in any action, suit or other proceeding. All proceedings in this Action are stayed, other than such proceedings as are related to the Settlement.
12. The Final Order and Judgment, if entered, except as otherwise limited by the Settlement Agreement, will permanently bar and enjoin the Class Representative and all Settlement Class Members from asserting, commencing, continuing or prosecuting, in any capacity, any of the Released Claims against Defendant in any action, suit or other proceeding.
13. The Court retains jurisdiction over the Action to consider all further applications, motions, and/or disputes arising out of or connected with the proposed Settlement.
14. The Court hereby directs the Class Representative and Defendant to proceed in strict accordance with the terms of the Settlement Agreement for the purpose of consummating the proposed Settlement and providing Notice thereof, and hereby authorizes them to take all acts reasonably necessary to consummate the Settlement.
15. The Court may, for good cause, extend any of the deadlines set forth in this Order without further notice to Settlement Class Members.

IT IS SO ORDERED.

Dated 13 April, 2017



Justice of the Superior Court