

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARK PREMAN,

Plaintiff,

v.

Case No: 6:16-cv-443-Orl-41GJK

POLLO OPERATIONS, INC.,

Defendant.

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ORDER

THIS CAUSE is before the Court on Plaintiff's Unopposed Motion for Final Approval of Revised Class Action Settlement and Certification of Settlement Class (Doc. 67) and on Plaintiff's Unopposed Motion for Approval of Attorneys' Fees, Costs, Expenses and Service Award to Plaintiff as Class Representative (Doc. 68). As set forth below, the motions will be granted.

The Revised Stipulation and Agreement of Settlement ("the Settlement," Doc. 58-1) was preliminarily approved as explained in this Court's May 9, 2018 Order (Doc. 66), and the settlement class set forth therein was preliminarily certified. The preliminary approval also included such approval of Plaintiff's and his attorneys' requested award of attorneys' fees, costs, and a service award. In addition, the Court appointed Plaintiff's counsel as Class Counsel, appointed the Angeion Group as the Settlement Administrator, approved the Class Notice and Claim Form, and directed the Settlement Administrator to proceed with the class notification. All of the elements of the Notice Plan approved by the Court have been satisfied. (*See* Devery Decl., Doc. 67-2, ¶¶ 5–16). Of the 26,380 Settlement Class Members who were notified, only one opted out, and none filed objections. (*Id.* ¶ 16; Yanchunis Decl., Doc. 67-1, ¶ 15).

For the reasons set forth in the Report and Recommendation (Doc. 62), which was adopted by this Court, (Doc. 66 at 1), and upon finding that the Notice procedures were fully complied with, this Court grants final approval of the Settlement, including, but not limited to, the releases therein. The Court finds that the Settlement is in all respects fair, reasonable, and adequate, and in the best interests of all those affected by it. No objections were filed. Accordingly, this Order binds all Settlement Class Members who did not opt out.¹ The Court also certifies the following Settlement Class:

All persons who received text messages on behalf of Pollo Operations, Inc. from March 1, 2012 to March 15, 2017 to telephone numbers that had been reassigned to them after the original or prior owners of the telephone numbers consented to receive such text messages from Pollo Operations, Inc., who did not consent to receive such text messages, and who can be identified through the reverse telephone number look-up process utilized by the Settlement Administrator. Excluded from the Settlement Class are: (a) Defendant and its present and former officers, directors, employees, shareholders, insurers, and their successors, heirs, assigns, and legal representatives; and (b) the Court and members of the Court's staff.

And, the Court confirms the appointment of Plaintiff as class representative and attorneys John Yanchunis Sr. and Jonathan B. Cohen as Class Counsel.

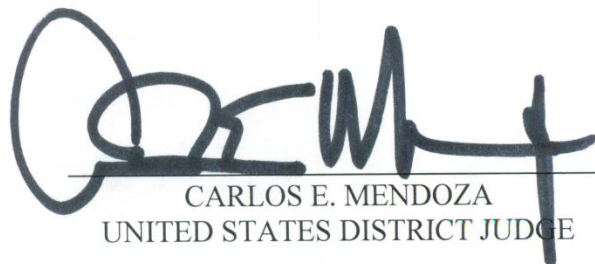
In accordance with the foregoing, it is **ORDERED** and **ADJUDGED** as follows:

1. Plaintiff's Unopposed Motion for Final Approval of Revised Class Action Settlement and Certification of Settlement Class (Doc. 67) and on Plaintiff's Unopposed Motion for Approval of Attorneys' Fees, Costs, Expenses and Service Award to Plaintiff as Class Representative (Doc. 68) are **GRANTED**.

¹ By his request, William Jr., Claim No. PPO3254093, is excluded from the Settlement Class and this case. (See Doc. 67-2 at 15).

2. The Revised Stipulation and Agreement of Settlement (Doc. 58-1) is **APPROVED**. The Parties to the Settlement shall carry out their respective obligations thereunder.
3. The \$5,000.00 service award to Plaintiff as Class Representative is **APPROVED**.
4. The attorneys' fees award in the amount of \$243,750.00 (25% of the Settlement Fund) and the cost award in the amount of \$5,000.00 to Class Counsel is **APPROVED**.
5. This Court retains jurisdiction over this action, including over the administration, implementation, interpretation, and enforcement of the Settlement.
6. This case is **DISMISSED with prejudice**.
7. The Court finds that this Order shall be effective as of September 26, 2018, unless any state or federal official files an objection, in which case this Order shall not become effective and this Court shall set a further hearing.

DONE and ORDERED in Orlando, Florida on November 21, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record