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FILED
Superior Court of California
County of Los Angeles

② JUN 16 2017
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By: [Signature], Deputy
Kokomo Arzaga

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18 RETAIL BANK

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JUN 13 2017

Date Processed [Signature]

By: _____

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17
18 JAMES E. ELIAS and JAMES P. KOZIK,
19 individually and on behalf of others
20 similarly situated,

21 Plaintiffs,

22 v.

23 SYNCHRONY BANK, f/k/a GE CAPITAL
24 RETAIL BANK, a federally-chartered
25 savings association, and DOES 1-10,
26 inclusive,

27 Defendants

CASE NO. BC555883

[Assigned to the Hon. Kenneth R. Freeman -
Dept. 310]

**[REDACTED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

Complaint Filed: August 28, 2014
FAC Filed: April 17, 2015
SAC Filed: February 17, 2016
TAC Filed: April 10, 2017

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1 The Motion for Preliminary Approval of Class Action Settlement ("Motion") filed by
2 Plaintiffs James Elias and James Kozik ("Plaintiffs") came on for hearing in Department 310 of
3 the Superior Court of California for the County of Los Angeles, the Honorable Kenneth R.
4 Freeman. All parties appeared by counsel of record.

5 Having fully received and considered the Plaintiff's Motion, the declarations of Plaintiffs'
6 counsel, the Amended Settlement Agreement and Release (hereafter "Settlement Agreement"),
7 the proposed Class Notices and Claim Form, and the arguments of counsel presented to the Court
8 at the hearing of this Motion, and the additional briefing requested by the Court, and with GOOD
9 CAUSE APPEARING, the Court hereby rules as follows:

- 10 1. The Court GRANTS the Motion.
- 11 2. The Court GRANTS preliminary approval of the terms and conditions contained in
12 the Settlement Agreement. The Court finds that the terms of the Settlement
13 Agreement are within the range of possible approval at the final approval hearing.
14 Unless otherwise provided in this Order, all capitalized terms shall have the same
15 meaning as set forth in the Settlement Agreement.

- 16 3. The Court FINDS that the following class should be preliminarily certified for
17 settlement purposes only:

18 All residents of California who, between March 27, 2012 and the date of this
19 Order, (1) received a telephone call regarding the collection of a debt and spoke
20 with an agent of Synchrony Bank (f/k/a GE Capital Retail Bank and GE Money
21 Bank), (2) did not have an account with Synchrony Bank at the time of the call and
22 (3) was not informed at the beginning of the call that the call may be recorded.
23 The Court refers to the class just defined as the "Settlement Class."

- 24 4. The Court FINDS that, for the purposes of preliminarily approving this settlement,
25 the proposed Settlement Class meets the requirements for certification under Code
26 of Civil Procedure § 382, California Rules of Court Rule 3.769, and applicable
27 case law: (a) the proposed Settlement Class is ascertainable and so numerous that
28 joinder of all members of the Settlement Class is impracticable; (b) there are

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questions of law or fact common to members of the proposed Settlement Class;
(c) the claims of the named Plaintiffs are typical of the claims of the members of
the proposed Settlement Class; (d) Plaintiffs' Counsel the Law Office of Jonathan
Weiss (Jonathan Weiss, Esq.), Legg Law Firm, LLP (Scott C. Borison, Esq.), and
The Holland Law Firm, P.C. (Peter Holland, Esq.) will fairly and adequately
protect the interests of the Settlement Class; and (e) a class action is superior to the
other available methods for an efficient resolution of this controversy.

5. The Court APPOINTS as Class Counsel the Law Office of Jonathan Weiss
(Jonathan Weiss, Esq.), Legg Law Firm, LLP (Scott C. Borison, Esq.), and The
Holland Law Firm, P.C. (Peter Holland, Esq.).
6. The Court APPROVES the selection of KCC Class Action Services, LLC as
Claims Administrator for purposes of this settlement.
7. The Court recognizes that the Third Amended Complaint as described in the
Settlement Agreement has been filed.
8. The Court APPROVES, as to form and content, the Settlement Class Notice,
Postcard Notice, and Claim Form, which are attached as Exhibits B, D, and A to
the Settlement Agreement. The Court finds that the notice procedure set forth in
the Settlement Agreement, which includes the U.S. Mail distribution of the
Postcard Notice, the publication of the Settlement Website, and internet notice,
constitutes the best notice practicable under the circumstances and is in full
compliance with the laws of the State of California, California Rules of Court
3.766 and 3.769, the Constitutions of the United States of America and of
California, and the requirements of due process and any other applicable laws.
The Court further finds that the notice materials fully and accurately inform the
Settlement Class Members of all material elements of the Settlement Agreement,
of each Class Member's right to submit a claim, of each Class Member's right to
be excluded from the settlement, and of each Class Member's right to object to the
settlement.

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9. The Court DIRECTS Synchrony Bank to compile and, no later than thirty (30) days after the date of entry of this Order, provide to the Claims Administrator the Class List as described in the Settlement Agreement.
10. The Court DIRECTS the Claims Administrator to send, no later than sixty (60) days after the date of entry of this Order, the Postcard Notice via U.S. Mail to each mailing address contained on the Class List.
11. The Court DIRECTS the Claims Administrator to publish the Settlement Website on the Internet at the URL www.EliasClassActionSettlement.com (or a similar name if that one is not available) ("Settlement Website") beginning no later than sixty (60) days after the entry of this Order. The Settlement Website shall set forth a summary of the terms of the settlement, and shall state the means by which Settlement Class members may communicate with the Claims Administrator (including, but not limited to, the Claims Administrator's business name, address, telephone number, and e-mail address), instructions on how to submit a Claim Form (both electronically and by mail) and the deadline associated with doing so, instructions on how to object and opt out of the Class Action Settlement and the deadlines associated with objecting and opting out. The Settlement Website also shall provide, free of charge, a viewable, printable and downloadable copy, in PDF file format, of each of the following documents: the Settlement Agreement and Release; the Third Amended Complaint; the Answer to the Third Amended Complaint; this Order preliminarily approving the Class Action Settlement and certifying the Settlement Class; the Claim Form; and the Settlement Class Notice. The Settlement Website shall remain active for at least one hundred eighty (180) days after the Settlement Effective Date.
12. The Court DIRECTS the Claims Administrator to initiate the internet notice campaign, as set forth in the Settlement Agreement, beginning no later than sixty (60) days after the date of this Order.

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13. The Claims Administrator shall take all other necessary actions in furtherance of obtaining correct mailing address information for Settlement Class Members, determining Settlement Class Members' payment amounts, receiving and processing Class Member disputes, opt-outs, and objections, and other claims administration functions, as are specified in the Settlement Agreement.

14. The Court directs that no later than fifteen (15) days after the entry of this Order, Defendant shall deposit or cause to be deposited with the Claims Administrator the amount set forth in Section 6.2 of the Settlement Agreement to pay for the Class Notice program described in the Settlement Agreement.

15. Settlement Class Members who wish to participate in the settlement shall completely fill out and sign (or submit online) a Claim Form in the manner provided for in the Settlement Agreement. The Claims Administrator may ask for the Settlement Class Members' social security or tax identification number if needed. Claim Forms submitted by Settlement Class Members must be postmarked or received electronically no later than 130 days after entry of this Order.

16. The Court APPROVES the proposed procedure for the Settlement Class Members to submit a request for exclusion from the settlement. Any Settlement Class Member requesting exclusion from the settlement must mail a signed letter requesting exclusion from the settlement to the Claims Administrator so that it is postmarked no later than 130 days after entry of this Order. Any Settlement Class Member who submits a valid and timely request for exclusion shall no longer be a member of the Settlement Class, shall be barred from participating in or objecting to this settlement, and shall receive no benefit from this settlement.

17. Any Settlement Class Member who does not submit a valid and timely request for exclusion from the Settlement Class will be bound by all proceedings, orders, and judgments in this action relating to the Settlement Agreement.

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1 18. The Court further ORDERS that, as provided in the Agreement, each Settlement
2 Class Member shall be given a full opportunity to object to the Class Action
3 Settlement. As explained in the Class Notice, any Settlement Class Member
4 seeking to object to the settlement shall mail that objection to Claims
5 Administrator by first class mail no later than 130 days after the date of this Order.
6 The timeliness of any objection shall be conclusively determined by the postmark
7 date. Upon receipt, the Claims Administrator will promptly send copies of any
8 objection to Class Counsel and Defense Counsel. Any Settlement Class Member
9 who fails to serve a timely written objection in the manner set forth herein shall be
10 deemed to have waived such objection and shall forever be foreclosed from
11 objecting to the Settlement Agreement, its fairness or adequacy, the award of
12 attorney's fees and/or litigation costs, and the service payment to the Class
13 Representative. As part of, in addition to, or instead of any Objection, any
14 Settlement Class Member may serve on the Claims Administrator no later than
15 130 days after the date of this Order a Notice of Intention to Appear that includes
16 the Settlement Class Member's name, address, telephone number, and signature.
17 Upon receipt, the Claims Administrator will promptly send copies of any such
18 notices to Class Counsel and Defense Counsel.

19 19. Class Counsel shall file a motion for approval of attorneys' fees, litigation costs,
20 administration costs, and enhancement awards for Plaintiffs James Elias and James
21 Kozik no later than 105 calendar days after the entry of this Order, which is 25
22 calendar days before the deadline by which Settlement Class Members may object
23 to or opt out of the settlement.

24 20. Class Counsel shall file a motion for final approval of the settlement no later than
25 November 7, 2017, which is 30 calendar days before the first date that the Final
26 Approval Hearing may be scheduled. Class Counsel shall file with the final
27 approval motion paper all objections and notices of intention to appear received by
28 Class Counsel.

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21. The Parties, either individually or jointly, may file a response to any objections no later than 150 calendar days after entry of this Order.

22. The Final Approval Hearing is scheduled for December 7, 2017 at 10 a.m., which is at least 165 days from the entry of this Order, at which time the Court shall finally determine whether the settlement is fair, reasonable and adequate. The date and time selected for the hearing must appear in the Settlement Class Notice and on the Settlement Website.

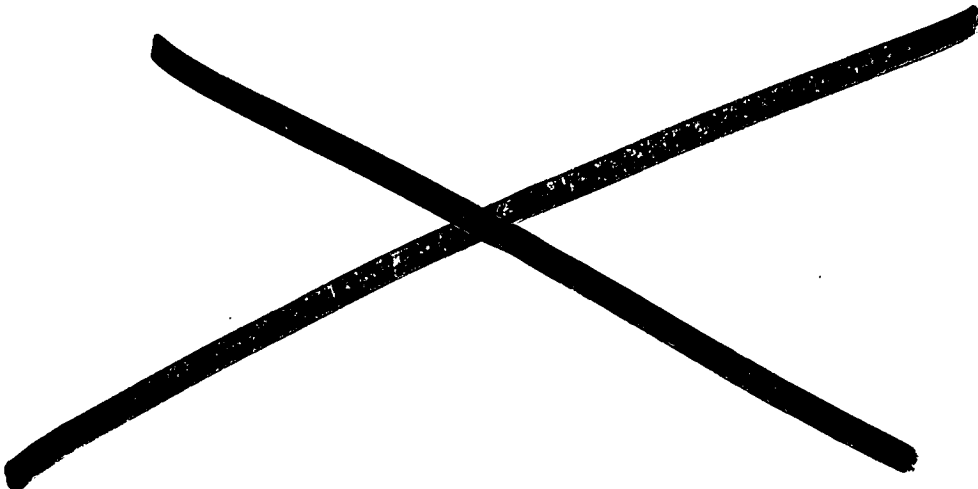
23. Except as provided herein and as necessary to effectuate the Settlement Agreement, the action is hereby stayed in its entirety and all currently calendared events are hereby vacated unless and until the Court renders a final decision on approval of the Class Action Settlement.

IT IS SO ORDERED.

Dated: June 16, 2017



HON. KENNETH R. FREEMAN
Judge of the Superior Court



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