

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WILLIAM SOTO, DOMINGO TOLENTINO, AND
LUIS VIRUET, individually and on behalf of all
persons similarly situated,

Plaintiffs,

v.

HOUSLANGER & ASSOCIATES, PLLC, TODD
HOUSLANGER, and BRYAN BRYKS,

Defendants.

ORDER

19-CV-6691-SJB

BULSARA, United States Magistrate Judge:

This matter comes before the Court on the motion of Plaintiffs William Soto, Domingo Tolentino, and Luis Viruet (together, “Named Plaintiffs”), on behalf of themselves and putative class members, with the consent of Defendants Houslanger & Associates, PLLC (“H&A”), Todd Houslanger (“Houslanger”) and Bryan Bryks (“Bryks,” and collectively with H&A and Houslanger, “Defendants”), for preliminary approval of the Stipulation of Settlement, dated June 20, 2022 (the “Settlement Agreement”), and related relief. The Court has reviewed the Settlement Agreement and the documents submitted by the parties in support thereof, and good cause appearing,

NOW IT IS HEREBY ORDERED AS FOLLOWS:

- (1) Definitions. For the purposes of this Order, the Court adopts by reference the definitions set forth in the “Definitions” section of the Settlement Agreement.
- (2) Certification of the Class. The Court provisionally finds that this class meets the requirements set forth in Rules 23(b)(2) and 23(b)(3), and hereby:
 - a. Provisionally certifies under both Fed. R. Civ. P. 23(b)(2) and 23(b)(3), for

settlement purposes only, pending a Fairness Hearing and further order of the Court, a class consisting of “All individuals against whom Houslanger & Associates, PLLC, Todd Houslanger, or Bryan Bryks, on or after April 19, 2016, have issued an Execution on an Assigned Judgment obtained in New York City Civil Court”;

- b. For the purposes of the proposed Settlement, approves William Soto, Domingo Tolentino, and Luis Viruet as class representatives; and
- c. For the purposes of the proposed Settlement, appoints the New York Legal Assistance Group as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g).

(3) Preliminary Approval: The Court preliminarily approves the proposed Settlement as set forth in the Settlement Agreement as being sufficiently fair, reasonable, and adequate to the Class, and finds that it is the result of intensive arms-length negotiations between experienced attorneys familiar with the legal and factual issues of this case. Specifically, the Court provisionally finds that:

- a. The payment of a Settlement Amount of \$155,000 is fair, reasonable, and adequate;
- b. The non-monetary relief provided for in the Settlement Agreement, under which H&A and Houslanger & Associates have agreed to stop collecting on any Class Member Judgments in the future, likewise permanently cease collecting on all New York City Civil Court Assigned Judgments entered prior to 2012, and temporarily cease collecting on certain other New York City Civil Court Assigned Judgments, is fair, reasonable, and adequate, and provides valuable relief to the Class;

- c. The Allocation Plan submitted by Class Counsel provides for distribution of the Settlement Amount in a manner that is fair, reasonable, and adequate;
- d. The anticipated payment to Class Counsel of attorney's fees and expenses in the approximate amount of \$51,667 is fair and reasonable, considering the work performed by Class Counsel in litigating the Action, subject to further information to be provided by Class Counsel in connection with final approval of the Settlement; and
- e. The Service Award payments of \$3,750 to each Named Plaintiff to account for their roles in litigating the Action are fair, reasonable and adequate.

(4) Contribution of Settlement Amount: The Court directs that:

- a. Defendants pay or cause to be paid the Settlement Amount to Defendants' Counsel, to be held in escrow, pending preliminary approval of the Settlement, no later than twenty-one (21) days after the signing of the Settlement Agreement; and
- b. Within thirty (30) days following the Court's entry of the Preliminary Approval Order, Defendants' Counsel, through the Class Administrator, deposit or cause to be deposited the Settlement Amount into the Class Settlement Account.

(5) Class Administrator: The Court appoints Atticus Administration, LLC to serve as the Class Administrator, and approves the payment of all Administration Expenses from the Class Settlement Account.

(6) Class Notice: The Court approves the form and content of the Individual Notices as follows:

- a. The Court finds that the Individual Notices will fully and accurately inform potential Class Members of all material elements of the Settlement Agreement, the right to be excluded from the Class, and the right to object to the settlement.
- b. No later than sixty (60) days prior to the Objection, Exclusion, and Claim Submission Deadline, the Class Administrator shall distribute the Individual Notices to all Class Members, and, by no later than that same date, shall cause a website to be established and post a copy of the Individual Notice on the website.
- c. The Court finds that the following plan to distribute notice provides the best notice practicable under the circumstances, constitutes due and sufficient notice to the Class, and complies with the requirements set forth under Federal Rule of Civil Procedure 23 and any other applicable law. The Court expressly authorizes the following methods of notice: (1) each Class Member for whom Defendants' records contain an email address will be sent notice via email, and each Class Member for whom Defendants' records contain a phone number will be sent notice via text message; (2) at least two weeks later, postcard notice will be mailed to all Class members except those who already filed a Claim Form or opened the email notice; (3) no later than fourteen days before the deadline to submit Claim Forms, a reminder text message and/or email will be sent to all Compensation Class Members who have not submitted a valid claim form and for whom email addresses and/or phone numbers are available from Defendants' records.

- d. Class Counsel and the Class Administrator may make any amendments to or modifications to the Individual Notices and the Allocation Plan without notice to or approval by the Court so long as such changes are not materially inconsistent with this Order and do not materially limit the rights of potential Class Members.

(7) Objections to Settlement: A Class Member who wishes to object to the fairness, reasonableness or adequacy of the proposed settlement may do so by filing an objection as set forth below:

- a. A Class Member who wishes to object must submit to the Class Administrator a written statement of reasons, including any legal support or evidentiary support, for his or her objection, postmarked or electronically submitted no later than the Objection, Exclusion, and Claim Submission Deadline.
- b. The Objection, Exclusion, and Claim Submission Deadline shall be September 20, 2022.
- c. An objection must include the name, title, and docket number of the Action, as well as the full name, address, telephone number, email address if available, and signature (including electronic signature) of the Class Member.
- d. Class Members who intend to appear at the Fairness Hearing should so advise the Class Administrator in their written objection. If a Class Member retains counsel to appear on his or her behalf at the Fairness Hearing, such counsel must file with the Court and serve on Defendants Counsel and Class Counsel a notice of intention to appear, which must

be received on or before the Objection, Exclusion, and Claim Submission Deadline.

- e. The Class Administrator shall promptly send a copy of each objection it receives to Defendants' Counsel and Class Counsel by email and in no event later than fourteen (14) days before the scheduled date of the Fairness Hearing.
- f. Any Class Member who does not submit a valid and timely objection shall be deemed to have waived and forfeited any and all rights that he or she may have to object and shall be barred from making any objection to the fairness, reasonableness or adequacy of the proposed settlement.

(8) Requests for Exclusion: Any Class Member may seek to exclude himself or herself from the Settlement Agreement. Any Class Member so excluded shall no longer be a member of the Class, shall not be bound by the Settlement Agreement, and shall not be entitled to any of its benefits.

- a. A Class Member who wishes to be excluded from the Class must send to the Class Administrator a request for exclusion postmarked or electronically submitted no later than the Objection, Exclusion, and Claim Submission Deadline.
- b. A valid request for exclusion must be in writing, and must contain the full name, address, telephone number, email address if available, and signature (including electronic signature) of the Class Member.
- c. The Class Administrator shall promptly send a copy of each request for exclusion it receives to Defendants' Counsel and Class Counsel by email and in no event later than fourteen (14) days before the scheduled date

of the Fairness Hearing.

- d. Any Class Member who does not timely submit a valid request for exclusion shall be bound by the terms of the Settlement Agreement as well as the Final Approval Order.

(9) Claim Submission: Any Class Member seeking a distribution from the Class Settlement Account must send or electronically submit a Claim Form to the Class Administrator postmarked or electronically submitted no later than the Objection, Exclusion, and Claim Submission Deadline. Class Counsel reserves the right to allow any Class Member who submit a Claim Form after the Objection, Exclusion, and Claim Submission Deadline to receive a distribution from the Class Settlement Account.

(10) Fairness Hearing: A Final Approval and Fairness Hearing will be held on October 11, 2022 at 12:00 P.M., at which time the Court will determine whether to grant final approval of the Settlement Agreement as fair, reasonable, adequate, and in the best interests of the Class, and whether to enter the Final Approval Order.

- a. The Fairness Hearing will be held at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York Courtroom 324 North.
- b. Papers in support of a motion for entry of the Final Approval Order and the petition for attorney's fees shall be filed with the Court on or before September 30, 2022. Any responses to objections to the proposed Settlement Agreement or the petition for attorney's fees, and any further papers in support of the motion for entry of the Final Approval Order or the petition for attorney's fees, shall be filed with the Court on or before

October 7, 2022.

(11) Termination: This Order shall terminate in the event that the Court denies the motion to enter the Final Approval Order following the Fairness Hearing, or the Settlement Agreement is rejected by the mandate of an appellate court. In such event, the Settlement Agreement shall be null and void and shall have no force or effect, no Party shall be bound by any of its terms, all Parties and Class Members shall be restored to their respective positions existing immediately before the Execution Date, and any order entered by the Court in accordance with the Settlement Agreement shall be treated as vacated.

SO ORDERED.

/s/ Sanket J. Bulsara 7/11/2022
SANKET J. BULSARA
United States Magistrate Judge

Brooklyn, New York