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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WASHINGTON

DOYLE WHEELER and CARRI  
WHEELER, husband and wife, individually  
and on behalf of similarly situated  
Washington residents,

Plaintiffs,

v.

NATIONWIDE SUPPORT SERVICES,  
INC., a California corporation; JOANNE  
GARNEAU, individually and on behalf of  
the marital community of JOANNE  
GARNEAU and ARTHUR GARNEAU;  
FREEDOM DEBT CENTER, a California  
corporation; NOTEWORLD, LLC, d/b/a  
NOTEWORLD SERVICING CENTER, a  
Delaware limited liability company; and  
JOHN AND JANE DOES A-K,

Defendants.

NO. 2:10-cv-00202-LRS

**ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL  
OF CLASS ACTION  
SETTLEMENT  
AGREEMENTS**

ORDER GRANTING PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT AGREEMENTS - 1  
CASE NO. 2:10-cv-00202-LRS

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WHEREAS, Plaintiffs Doyle Wheeler and Carri Wheeler have applied for an order preliminarily approving the settlement of claims against certain Defendants in this action as stated in the settlement agreement reached between Plaintiffs and the Nationwide Defendants (the “Nationwide Settlement Agreement,” which is attached as Exhibit 1 to the Declaration of Toby J. Marshall in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement Agreements) and the settlement agreement reached between Plaintiffs and Defendant Freedom Debt Center (the “FDC Settlement Agreement,” which is attached as Exhibit 2 to the Declaration of Toby J. Marshall in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlements) (collectively the “Settlement Agreements”), which, together with the exhibits attached thereto, set forth the terms and conditions for a proposed settlement of this class action and for dismissal of the Nationwide Defendants and Defendant FDC with prejudice upon the terms and conditions set forth therein;

WHEREAS, the Court has read and considered the Settlement Agreements, the exhibits attached thereto, and the briefing submitted in support of preliminary approval of the settlement and is fully advised;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Unless otherwise provided herein, all capitalized terms in this order shall have the same meaning as set forth in the Settlement Agreements.

2. The Court grants plaintiff's unopposed motion for preliminary approval of class action settlements (ECF No. 218), and preliminarily approves the Settlement Agreements and the terms set forth therein—including the relief afforded the Nationwide Settlement Class and FDC Settlement Class, the enhancement award to the Class Representatives, and the payment of attorneys' fees and costs to Class Counsel (including costs for notice and settlement administration)—as being fair, reasonable and adequate. The Settlement Agreements are the result of arm's-length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.

3. Pursuant to Fed. R. Civ. P. 23(b)(3), the Court conditionally certifies for settlement purposes only the following Nationwide Settlement Class: "All Washington residents for whom Nationwide Support services, Inc. agreed to provide debt adjusting services pursuant to Nationwide Support Service Agreements or otherwise provided debt adjustment services to such residents between June 24, 2006 and the date of the Settlement Agreement."

4. Pursuant to Fed. R. Civ. P. 23(c)(5), the Court conditionally certifies for settlement purposes only the following FDC Settlement Class: "All Washington residents for whom Defendant FDC agreed to provide debt adjusting services pursuant to FDC's Debt Settlement Agreements or otherwise provided

debt adjustment services to such residents between June 24, 2006 and the date of the Settlement Agreement.”

5. In connection with these conditional certifications, the Court makes the following findings:

(a) The Nationwide Settlement Class is so numerous that joinder of all members is impracticable;

(b) The FDC Settlement Class is so numerous that joinder of all members is impracticable;

(c) There appear to be questions of law or fact common to the Nationwide Settlement Class for purposes of determining whether this settlement should be approved;

(d) There appear to be questions of law or fact common to the FDC Settlement Class for purposes of determining whether this settlement should be approved;

(e) Plaintiffs’ claims appear to be typical of the claims being resolved through the proposed settlements;

(f) Plaintiffs appear to be capable of fairly and adequately protecting the interests of the Nationwide Settlement Class and FDC Settlement Class members in connection with the proposed settlements;

(g) For purposes of determining whether the settlements are fair, reasonable and adequate, common questions of law and fact appear to predominate over questions affecting only individual Settlement Class members. Accordingly, the Nationwide Settlement Class and FDC Settlement Class appear to be sufficiently cohesive to warrant settlement by representation; and

(h) For purposes of settlement, certification of the Nationwide Settlement Class and FDC Settlement Class appears to be superior to other available methods for the fair and efficient settlement of the claims of the Settlement Class members.

6. The Court appoints Doyle Wheeler and Carri Wheeler as representatives of the Settlement Classes.

7. The Court appoints Darrell Scott and Matthew Zuchetto of The Scott Law Group, P.S. and Toby Marshall and Erika Nusser of Terrell Marshall Daudt & Willie PLLC as counsel for the Settlement Classes.

8. A final approval hearing (“Final Fairness Hearing”), for purposes of determining whether the settlements should be finally approved, shall be held before this Court on January 7, 2014, at 11:00 a.m. in the courtroom of the Honorable Lonny R. Suko at the Thomas S. Foley United States Courthouse, 920 West Riverside Avenue, Spokane, Washington, 99201. At the hearing, the Court will hear arguments concerning whether the proposed settlements on the terms

and conditions provided for in the Settlement Agreements should be granted final approval by the Court as fair, reasonable and adequate.

9. The Court approves the procedure outlined in the Settlement Agreements for providing notice of the settlement to the United States Attorney General and the Washington State Attorney General in accordance with 28 U.S.C. § 1715.

10. The Court approves, as to form and content, the Class Notices attached to the Settlement Agreements as Exhibits A to be sent to the Nationwide Class members and, for the FDC Settlement Agreement, the FDC Class members. The approved notices advise Class members of their rights, including the right to object to or exclude themselves from the Settlement Agreements, and explain the manner in which such rights are to be exercised. In addition, the Court finds that distribution of the Class Notices substantially in the manner set forth in Paragraph 11 of this order will meet the requirements of due process and applicable law, will provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all individuals entitled thereto.

11. The procedure for distributing the Class Notices shall be as follows:

(a) Within thirty (30) calendar days of the signing of the entry of this Order, the Nationwide Defendants and FDC respectively shall produce lists to the Claims Administrator that contain the names, last known addresses, last

known email addresses, and last known telephone numbers for every potential member of the Nationwide Settlement Class and FDC Settlement Class.

(b) No later than thirty (30) days after entry of this Order, the Claims Administrator shall issue notices to all proposed Settlement Class members in the forms approved in ¶ 10 of this Order. Notices shall be sent directly through first-class mail and, where possible, by electronic mail using the most recent contact information available. The date on which the notices are sent shall be deemed the Initial Notice Mailing Date.

12. No later than thirty (30) calendar days prior to the Final Fairness Hearing, Class Counsel shall file a motion requesting that the Court grant final approval of the Settlement Agreements, including payment of attorneys' fees and expenses, and enter final judgment in the Action as to the Nationwide Defendants and FDC.

13. A potential member of the Nationwide Settlement Class or FDC Settlement Class who wishes to exclude himself or herself from either of the Settlement Agreements, and from the release of claims pursuant to either Settlement Agreement, must submit a timely and valid written request for exclusion to Class Counsel. To be timely, the exclusion form must be postmarked no later than forty-five (45) calendar days after the Initial Notice Mailing Date.

14. No later than sixty (60) calendar days after the Initial Notice Mailing Date, Class Counsel shall file and serve a declaration identifying all individuals who have made a timely and valid request for exclusion from either Settlement Agreement.

15. A Nationwide Settlement Class member who wishes to object to the Nationwide Settlement Agreement or an FDC Settlement Class member who wishes to object to the FDC Settlement Agreement must file with the Court and mail to counsel for the Parties a written objection, along with any supporting documentation that the person wishes the Court to consider, by no later than 45 days from the Initial Notice Mailing Date. The notice forms approved in ¶ 10 of this Order provide instructions regarding how to make objections.

16. The Parties shall submit any responses to objections no later than sixty-five (65) calendar days after the Initial Notice Mailing Date.

17. At the Final Fairness Hearing, the Court shall determine whether the proposed Settlement Agreements shall be finally approved.

18. If final approval does not occur as to either Settlement Agreement, or if a Settlement Agreement is terminated or canceled pursuant to its terms, the Parties to that particular agreement shall be deemed to have reverted to their respective status as of the date and time immediately prior to the execution of that agreement, and that agreement shall be deemed null and void, shall be of no force



or effect whatsoever, and shall not be admitted, referred to or utilized by any party for any purpose whatsoever.

DONE IN OPEN COURT this 17th day of September, 2013.

*s/Lonny R. Suko*

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UNITED STATES DISTRICT JUDGE

Presented by:

TERRELL MARSHALL & DAUDT  
& WILLIE PLLC

By: /s/ Toby J. Marshall, WSBA #32726

Toby J. Marshall, WSBA #32726

Erika L. Nusser, WSBA #40854

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