

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**KEVIN WILLS, on behalf of himself and all
others similarly situated,**

Plaintiff,

vs.

STARBUCKS CORPORATION,

Defendant.

Case 1:17-cv-03654-CAP-CMS

**JONATHAN SANTIAGO ROSARIO, on
behalf of himself and all others similarly
situated,**

Plaintiff,

vs.

STARBUCKS CORPORATION,

Defendant.

Case 1:19-cv-01730-CAP-CMS

ORDER DIRECTING NOTICE TO THE SETTLEMENT CLASS

The Court, having reviewed the Motion for an Order Directing Notice to the Settlement Class and the Settlement Agreement entered by the Parties, hereby ORDERS that:

1. The Court has considered the proposed settlement of the claims asserted in these matters on behalf of the Settlement Class proposed to be certified for settlement purposes and defined as follows:

2. Based upon the Court's review, it appears that the settlement is fair, reasonable, and adequate, and that each of the following is true:

- a. the proposed Class Representatives, Kevin Wills and Jonathan Santiago Rosario, and Class Counsel, Francis Mailman Soumilas, P.C., Skaar & Feagle, LLP and O'Toole McLaughlin Dooley & Pecora Co. LPA, have

adequately represented the proposed Settlement Class;

- b. the proposed Settlement was negotiated at arm's length;
- c. the relief provided for the Settlement Class is adequate, taking into account:
 - i. the costs, risks, and delay of trial and appeal;
 - ii. the monetary amount and effectiveness of the proposed method of providing payments to eligible Settlement Class members; and,
 - iii. the terms of the proposed awards of attorneys' fees and costs and individual settlement and service payment to the named Plaintiffs, including timing of payment.
- d. the proposed settlement treats members of the Settlement Class equally relative to each other.

3. Based upon the Court's review, it appears that, for purposes of settlement, the prerequisites to a class action under Fed. R. Civ. P. 23(a) have been satisfied in that:

- a. there are approximately 8,000 members of the Settlement Class;
- b. the claims of the proposed Class Representatives Kevin Wills and Jonathan Santiago Rosario are typical of the other members of the Settlement Class;
- c. there are questions of law and fact that are common to all members of the Settlement Class;
- d. the proposed Class Representatives will fairly and adequately protect the interests of the Settlement Class and have retained Class Counsel experienced in consumer class action litigation who have and will continue to adequately represent the Settlement Class.

4. Based upon the Court's review, for purposes of settlement, it appears that these actions are maintainable as a class action under Fed R Civ P 23(b)(3) because (a) a class action is superior to other available methods for the fair and efficient adjudication of this controversy, and (b) questions of fact and law common to the members of the Settlement Class predominate over any questions affecting only individual members.

5. Therefore, the Court likely will be able to approve the proposed settlement pursuant to Fed R Civ P 23(e)(2) and certify the proposed Settlement Class for purposes of judgment on the proposed settlement.

6. The Court has reviewed the proposed manner of giving notice as set forth in the Settlement Agreement and proposed notices to class members and finds that the proposed method of notice distribution fully satisfies the requirements of Fed. R. Civ. P. 23 and due process, constitutes the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

7. No later than ten (10) days of the date of this Order, Defendant shall compile and securely deliver to the Settlement Administrator a class list identifying the name and last known email and mailing address for each member of the Settlement Class; and the Settlement Administrator shall provide notice as provided in the Settlement Agreement to the Settlement Class no later than (30) days of the date of this Order.

8. No later than fifteen (15) days prior to the Final Approval Hearing, the Settlement Administrator will cause a declaration to be filed with the Court that the notice of the Settlement was given as required by the Settlement Agreement.

9. The Court will hold a Final Approval Hearing pursuant to Fed. R. Civ. P. 23(e) on July 15, 2020 (at least 100 days after entry of Order Directing Notice to the Settlement Class) at the U.S. District Court for the Northern District of Georgia, located at 2367 Richard B. Russell Federal Building, Courtroom 2307, 75 Ted Turner Drive SW, Atlanta, GA 30303, at 11:00 a.m. for the following purposes:

- a. To determine whether the proposed settlement is fair, reasonable and adequate and should be granted final approval by the Court;
- b. To determine whether a final judgment should be entered dismissing the claims of the Settlement Class with prejudice, as required by the Settlement Agreement;
- c. To consider the application of Class Counsel for an award of attorney's fees and expenses, and for an individual settlement and service award to the Class Representatives; and
- d. To rule upon other such matters as the Court may deem appropriate.

10. If a Settlement Class Member chooses to opt out of the Settlement Class, such Settlement Class Member is required to submit a request for exclusion to the Settlement Administrator in the manner described in the Settlement Agreement, submitted no later than forty-five (45) calendar days from the date of notice. No later than ten (10) business days after the Opt-Out Deadline Date, the Settlement Administrator shall provide to Class Counsel and Defendant's Counsel a complete list of all Settlement Class Members who have properly opted out of the Settlement Class together with copies of the opt out requests.

11. A Settlement Class Member who does not file timely a request for exclusion shall be bound by all subsequent proceedings, orders, and judgments in this action. Any Settlement Class Member who submits a timely request for exclusion may revoke his or her request for exclusion by submitting to the Settlement Administrator a written statement of revocation, postmarked or received no later than fourteen (14) days before the date of the Final Approval Hearing.

12. Any Settlement Class Member who wishes for the Court to consider an objection to the settlement must submit a notice of objection via First Class Mail no later than forty-five (45) days from the date of notice to (a) Class Counsel; (b) Defendant's Counsel; and (c) the Clerk of the Court. Such objection shall be personally signed and state: the caption of the litigation; the full name, address and telephone number of the Class Member objecting to the Settlement; a detailed statement of each objection asserted, including the grounds for objection and reasons for appearing and being heard, together with any documents such Class Member wishes to be considered in support of the objection; the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or Class Counsel's request for an award of fees and costs; any and all agreements that relate to the objection or the process of objecting – whether written or

oral – between objector or objector’s counsel and any other person or entity; the identity of all counsel representing the objector who will appear at the Final Approval Hearing; and, all relief sought.

13. Any objector who wishes to be heard at the Final Approval Hearing must also file a notice of intent to appear with the Court Clerk’s office no later than ten (10) business days before the Final Approval Hearing, and must provide both Class Counsel and Defendant’s Counsel with copies of the notice of intent to appear.

14. All briefs, memoranda, petitions and affidavits to be filed in support of an individual settlement and service award to the proposed Class Representatives and for an award of attorneys’ fees and expenses shall be filed no later than fourteen (14) days prior to the deadline for class members to make objections, or within another time set by the Court.

15. All briefs, memoranda, petitions and affidavits to be filed in support of final approval of the Settlement shall be filed no later than ten (10) days prior to the Final Approval Hearing, or within another time set by the Court.

16. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement.

Dated: March 4, 2020

BY THE COURT:

/s/CHARLES A. PANNELL, JR.
THE HONORABLE CHARLES A. PANNELL, JR.
United States District Judge