

DISTRICT COURT, LARIMER COUNTY, COLORADO  
201 Laporte Avenue, Suite 100  
Fort Collins, CO 80521

DATE FILED: October 26, 2020 10:20 AM  
CASE NUMBER: 2017CV31088

**Plaintiffs:** Todd Wasulko, Rasheda Mayner, Manish Singh,  
and Ying Li

v.

**Defendant:** eRentPayment, LLC

v.

**Third-Party Defendant:** Base Commerce LLC d/b/a Check  
Commerce.

▲ COURT USE ONLY ▲

Case No. 2017cv031088

Division: 5A

**PROPOSED ORDER GRANTING FINAL APPROVAL OF CLASS SETTLEMENT  
AGREEMENT**

This matter is before the Court on the Parties' Joint Motion for Class Certification and Approval of the Class Settlement Agreement, and more specifically, for final approval of the Class Settlement Agreement. The Court held a final fairness hearing on October 23, 2020. Counsel for all parties appeared either in person or by videoconference, the Court heard any argument and evidence necessary.

The Court has reviewed and analyzed the arguments and evidence submitted by the parties through counsel, the parties' filings to date, the Declaration and Supplemental Declaration prepared by Joseph Fisher and filed by Plaintiffs on October 20, 2020 and October 22, 2020, respectively, and based thereon, the Court makes the following findings, orders that the Landlord Class is finally approved and certified and the Class Settlement Agreement is hereby finally approved:

1. The parties filed a Joint Motion for Class Certification and Approval of the Class Settlement Agreement on May 19, 2020, and the Court entered an Order granting the Motion, which preliminarily certified a proposed Landlord Class under C.R.C.P. 23(b)(3) and granted preliminary approval to the Class Settlement Agreement;

2. Plaintiffs filed a Notice of Final Approval and Fairness Hearing on June 9, 2020, and the Court entered an Order approving the Notice on June 10, 2020;

3. On June 22, 2020, Defendant eRentPayment, LLC, filed a Notice Submitting Known Contact Information for Potential Class Members and Exhibit A, which was approved by the Court June 24, 2020;

4. On July 31, 2020, the parties filed a Joint Motion to Amend Order Re: Granting Motion for Class Certification and Approval of the Class Settlement Agreement and to Amend Order Re: Notice of Final Approval and Fairness Hearing, which was granted by the Court on August 9, 2020;

5. A fairness hearing was set for October 23, 2020, at 9:00 a.m. by Order of the Court on August 9, 2020, and instructions for appearances by parties, putative class members, and others were posted on the website for the settlement administrator, The Notice Company, which appeared on the notices transmitted to the putative class promptly thereafter;

6. A Declaration and Supplemental Declaration executed by Joseph Fisher of The Notice Company were filed by Plaintiffs on October 20, 2020 and 22, 2020 respectively, and the Declaration incorporated Exhibits A-G, which included (A) the Detailed Notice of Settlement, (B) the Individualized Claim Statement, (C) the Claim Form, (D) copy of the home page and settlement document page for the Settlement Website, (E) a copy of communications with putative class

member Deborah Stevens, (F) a copy of communications with putative class member TMartin Properties LLC, and (G) a listing of disagreements with claim statements from 11 other class members.

7. The Declaration and Supplemental Declaration, including any attached Exhibits, the arguments and evidence tendered at the fairness hearing on October 23, 2020, and the parties filings to date establish the following:

a. The proposed Landlord Class satisfies the requirements of C.R.C.P. 23(a)(1)-(4) and (b)(3);

b. The Notices, Notice Plan, and Opt-Out Process delineated by the Joint Motion for Class Certification and Approval of the Class Settlement Agreement on May 19, 2020 and Joint Motion to Amend Order Re: Granting Motion for Class Certification and Approval of the Class Settlement Agreement and to Amend Order Re: Notice of Final Approval and Fairness Hearing, the process followed by the Notice Company as settlement administrator, and the terms of the Settlement Agreement are fair, adequate, and reasonable;

c. There were no objections filed with the Court in accordance with the terms of the Notices transmitted to the putative class; and

d. Two members of the putative class requested to be excluded from the Settlement, Deborah Stevens and TMartin Properties LLC, although their requests did not fully comply with the terms of the Notices transmitted to the putative class.

8. As part of the disbursements to be made under the Settlement Agreement, the Court specifically approves the following payments to be made from the Settlement Funds prior to disbursing the remaining funds to the participating members of the class:

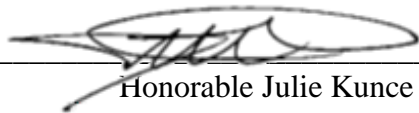
- a. \$25,000.00 payment to the Notice Company as settlement administrator;
- b. \$121,500.00 to Plaintiff's counsel for attorney's fees and expenses;
- c. \$3,000.00 each to Plaintiffs and class representatives Todd Walsulko and Rasheda Mayner; and
- d. \$2,000.00 each to Plaintiffs and class representatives Manish Singh and Ying Li.

9. The parties' settlement does not anticipate that residual funds will remain after all approved disbursements are made. In the event that residual settlement funds do remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted, then fifty percent (50%) of the residual funds shall be disbursed to the Colorado Lawyer Trust Account Foundation (COLTAF) to support activities and programs that promote access to the civil justice system for low income residents of Colorado. In the event that the remaining fifty percent (50%) of the residual funds is less than \$500.00, then that portion of the residual funds shall also be disbursed to the Colorado Lawyer Trust Account Foundation (COLTAF). In the event that the remaining fifty percent (50%) of the residual funds is more than \$500.00, then that portion of the residual funds shall be disbursed, *pro rata*, to the forty-five (45) class members with the largest claims by dollar amount.

10. This Order finally approving and certifying Landlord Class, excluding Deborah Stevens and TMartin Properties LLC from the Settlement, and finally approving the Class Settlement Agreement is effective on the date it is executed by the Court, and fully and finally resolves all claims, issues, defenses, and other matters raised or that could have been raised in this civil action, as of the effective date of this Order.

Done and Signed this 26th day of October, 2020

By: \_\_\_\_\_



Honorable Julie Kunce Field