

FILED
APR 12 2016

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

BRANDON WANN,
on behalf of himself and
all others similarly situated,

Plaintiff,

vs.

CITY OF ST. LOUIS,

Defendant.

Case No. 1422-CC10272
Div. 2

ORDER GRANTING PRELIMINARY APPROVAL OF SETTLEMENT

This Court, upon consideration and review of the proposed settlement, relevant documents, motion for preliminary approval (including exhibits), and the presentation of the parties, hereby orders:

1. For purposes of settlement only, pursuant to Rule 52.08 of the Missouri Rules of Civil Procedure, the Court hereby certifies that this action may proceed for settlement purposes as a class action on behalf of a class defined as:

**All people who, from December 11, 2009 through February 15, 2016
paid a warrant recall fee in municipal court to the City of St. Louis or
who were assessed a warrant recall fee and now owe the fee.**

2. The Court finds that the numerosity, commonality, typicality and adequacy of representation requirements of Mo. R. Civ. P. 52.08 are satisfied, and a class action

is an appropriate method for the fair and efficient resolution of the controversy, and that common issues of fact and law predominate and make certification of a class for settlement efficient and appropriate.

3. Brandon Wann is hereby appointed representative of the Settlement Class.

4. John E. Campbell and Erich Vieth of Campbell Law LLC are hereby appointed Class Counsel.

5. The terms of the parties' Settlement Agreement are sufficiently fair, reasonable, and adequate to allow dissemination of the notice of the proposed Settlement Agreement to the Class Members. This determination permitting notice to the Class is not a finding that the Settlement Agreement is fair, reasonable, and adequate, but simply a determination that there is probable cause to submit the proposed settlement.

6. The Court grants preliminary approval of the Settlement Agreement as falling within the range of possible approval and meriting submission to the Settlement Class for its consideration, pursuant to Mo. R. Civ. P. 52.08.

7. Pursuant to Mo. R. Civ. P. 52.08, a Settlement Hearing shall be held before this Court at 9:00 A.m. on July 18, 2016. At the Settlement Hearing, the Court will consider: (a) whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate; (b) whether a final judgment should be entered thereon; (c) whether Class Counsel fairly and adequately protected the interests of the Settlement Class; and (d) whether Class Counsel's application for attorneys' fees and Class Representative compensation should be approved by the Court.

8. The Court approves the proposed notices attached to the settlement, including the publication notice, long form notice, and post card notice.

9. Defendant City of St. Louis is hereby directed to provide all necessary information regarding the class to the claims administrator within 20 days of the entry of this Order. Notice shall be sent by the administrator no later than 14 days after the provision of the information by the City. Defendant must also publish notice within five days of mailing of notice, as described in the settlement agreement.

10. No later than five (5) days prior to the Settlement Hearing, the City of St. Louis shall file with this Court, and serve on Class Counsel, an affidavit or declaration stating that the mailing and publication of notices were completed.

11. The Court finds that, under the circumstances, the mailing and publication of notice described in the settlement documents constitutes the best practical notice of the Settlement Hearing, the Proposed Settlement, Class Counsel's application for fees and expenses, and other matters set forth in the Notices, and that such mailing and publication of notice constitute valid, due, and sufficient notice to all members of the Settlement Class, and comply fully with the requirements of Mo. R. Civ. P. 52.08, the Constitutions of the United States and the State of Missouri, the Settlement Class members' rights of due process and all other applicable law.

12. The Court takes notice of the proposed attorneys' fees and incentive fees in the settlement. Those fees will be reviewed at the Final Fairness Hearing.

13. Any papers in opposition to the settlement, including objections, shall be filed and served no later than 65 days after the entry of this Order, April 12, 2016.

14. Objections must be in writing and verified by sworn affidavit and must include: (i) the objector's name, address, and telephone number; (ii) the name of this case and the case number; (iii) a clear and concise statement of each objection; and (iv) a written brief

explaining the specific reasons, if any, for each objection, including any legal and factual support upon which the objector intends to rely along with any evidence the objector intends to introduce in support of the objection(s).

15. Objections Submitted by Objector's Counsel. If any objection is presented through an attorney, the objection must also include: (i) the identity and number of members of the Settlement Class represented by objector's counsel; (ii) the number of members of the Settlement Class represented by objector's counsel who have opted out of the Settlement; and (iii) the number of members of the Settlement Class represented by objector's counsel who have remained in the Settlement.

16. For any party objecting who would like to appear at the Final Fairness Hearing, the party must file a notice of intent to appear. The Notice of Intent to Appear must: (i) state how much time the Class Member and/or his attorney anticipates needing to present his or her objection(s); (ii) identify, by name, address, telephone number and detailed summary of testimony, all witnesses the Class Member and/or his or her attorney intends to present any testimony from; and (iii) identify all exhibits the Class Member and/or his attorney intends to offer in support of the objection(s) and attach complete copies of all such exhibits.

17. City of St. Louis shall pay all costs and expenses of notice.

18. Any person falling within the definition of the Settlement Class may, upon the person's request, be excluded from the settlement. The party should contact the claims administrator. They will be excluded. The claims administrator will provide a list of all exclusions to class counsel. Notwithstanding the foregoing, if any exclusion is received by counsel in this case, they shall distribute that notice to counsel of record and provide it to the Court and it shall count as an exclusion.

19. Only persons in the Settlement Class who have filed and served valid and timely notices of objection shall be entitled to be heard at the Settlement Hearing.

20. Any Settlement Class member who does not file and serve an objection in writing to the Settlement Agreement, to the entry of final judgment, or to the Class Counsel's application for fees, costs, expenses and Class Representative compensation, in accordance with the procedure set forth herein and in the settlement documents, shall be deemed to have waived any such objection by appeal, collateral attack, or otherwise.

21. The Court may, for good cause, extend any of the deadlines set forth in this Order or adjourn or continue the Settlement Hearing without further notice to the Settlement Class.

SO ORDERED:

DATED:

April 12, 2016

David Dowd
Hon. David Dowd
Circuit Court Judge for the Twenty-Second
Judicial Circuit, State of Missouri