



D132612377

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

<b>FOR COURT USE ONLY</b>	
S.C.	8
Line #:	_____

**DONNELL HUGHES,**

: CASE NO. A 1904891

**Plaintiff,**

: Judge Wende C. Cross

v.

**ENTERED**  
AUG 05 2021

: ORDER GRANTING FINAL  
: APPROVAL OF CLASS ACTION  
: SETTLEMENT

**UNION SAVINGS BANK,**

**Defendant.**

Before this Court is Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorneys' Fees, Costs and Expenses, and Class Representative Incentive Award ("Final Approval Filings"). The Court has reviewed Plaintiff's Final Approval Filings and conducted a Fairness Hearing on August 4, 2021. Upon consideration of this matter, the Court grants the final approval of this Settlement and Plaintiff's requests for attorneys' fees, reimbursement of costs and expenses, and Class Representative Incentive Awards and concludes that they are fair, reasonable, and adequate.

IT IS HEREBY ORDERED THAT:

1. The Settlement Agreement, including the proposed notice plan and forms of notice to the Class, the appointment of Plaintiff as the Class Representative, the appointment as Counsel for Plaintiff as Class Counsel, the approval of CAC Services Group, LLC as the Settlement Administrator, the establishment of a \$549,000.00 Common Fund, and the proposed method of distribution from the Common Fund, are fair, reasonable, and adequate.

2. The Court does hereby grant final approval, for settlement purposes, to the following Class:

All persons or entities who were the mortgagor to a mortgage from October 15, 2013 to October 15, 2019 or current owner of the real property to which the



mortgage pertains from March 23, 2015 to October 15, 2019 where USB or any predecessor or other entity acquired or merged with – or otherwise now part of UBS – including any affiliates, subsidiaries, and/or related lending institutions) was the mortgagee for real property in the State of Ohio, whereby the mortgage was satisfied in full and USB failed to record an entry of mortgage satisfaction with the applicable county recorder's office within 90 days of the date of mortgage satisfaction.

The Court finds that the Class, for settlement purposes, satisfies all requirements under Rule 23 of the Ohio Rules of Civil Procedure and due process and therefore class certification is appropriate because (1) the Class is so numerous that joinder of all class members is impracticable; (2) there are common questions of law and/or fact that are common to the Class; (3) the Class Representative's claim is typical of the Class's claims; (4) the Class Representative fairly and sufficiently protected the Class's interest; (5) common issues predominate; and (6) a class action is the superior method for the fair and efficient adjudication of this matter.

3. CAC, the Settlement Administrator, issued over 1,800 trifold and/or electronic notices in this case resulting in 237 claims. From these claims, there were 232 Valid Claims under the Settlement Agreement thus qualifying for Settlement Payments. CAC will also handle all distributions from the Common Fund. This Court finds that the payment of \$10,000.00 from the Common Fund to CAC for its settlement administration services in this case is reasonable and approves of such a payment to CAC.

4. This Court has reviewed the forms of the Notice provided to potential Class Members, including the trifold and electronic forms of Notice and the Settlement Website, and concludes that the Notice Program implemented by CAC and Class Counsel in this matter was fair and reasonable and permitted adequate notice to the Class of the settlement of this Action.

5. Class Counsel has requested attorneys' fees in an amount of \$183,000.00 from the Common Fund (1/3 of the Common Fund). Class Counsel's fee request is reasonable under the

circumstances in this case and consistent with attorneys' fees awarded in other R.C. 5301.36 class actions in Hamilton County.

6. Class Counsel also submitted a summary of its expenses incurred in this matter totaling \$686.50. Class Counsel's request for expenses in the amount of \$686.50 is reasonable and hereby approved.

7. Plaintiff further requests a Class Representative Incentive Award in the amount of \$3,000.00. Class Representative Donnell Hughes submitted an affidavit attesting to his participation in this case. The Class Representative adequately represented the Class's interests in this matter by staying informed throughout the litigation and thoroughly reviewing and approving the terms of the Settlement. The requested Incentive Award is reasonable. Accordingly, the Court approves an Incentive Award to Donnell Hughes in the amount of \$3,000.00.

8. Adopting the chart submitted in the Final Approval Filings, this Court approves the following allocation of the Common Fund and distributions from the Common Fund consistent the same:

**USB Settlement Projected Allocation**

<b>Settlement Amount</b>	\$549,000.00
<b>Settlement Administration Cost</b>	\$10,000.00
<b>Court Costs/Expenses</b>	\$686.50
<b>Class Representative Incentive Award</b>	\$3,000.00
<b>Attorneys' Fees</b>	\$183,000.00
<b>Settlement Payments</b>	\$69,600.00
<b>Number of Valid Claims</b>	232
<b>Remainder Amount</b>	\$282,713.50
<b>Amount Contributed to Cy Pres</b>	\$70,678.38
<b>Amount Retained By USB</b>	\$212,035.120

9. The fact that there were no objections or requests to opt-opt from this Settlement supports a finding that the Settlement, including the administration of the Settlement, was

reasonable. All members of the Class had the opportunity to object to the Settlement and the absolute right to opt-out of the Settlement. Because there were no objections and/or requests to opt-out, all Class Members have waived their right to pursue an independent remedy against USB relating to this Action. The notices to the Class appropriately advised all potential Class Members of their right to object to the Settlement or opt-out of the Settlement.

10. The Settlement on the terms and conditions set forth in the Settlement Agreement is finally approved and confirmed in all respects as fair, reasonable, and adequate under Ohio Rule of Civil Procedure 23. Furthermore, the Settlement as set forth in the Settlement Agreement is approved as it is in the best interest of the Class, especially in light of the benefits to the Class in the form of the Settlement Payments and the costs and risks associated with the complex proceedings of a class action lawsuit.

11. Class Counsel have fairly and adequately represented the Class and satisfied the requirements of Rule 23 of the Ohio Rules of Civil Procedure. Accordingly, they are finally approved as Class Counsel for the Class.

12. All provisions of the Settlement are finally approved in all respects. The parties to the Settlement Agreement are hereby directed to fully comply with the terms of the Court-approved Settlement Agreement.

13. All members of the Class who have Valid Claims and thus are entitled to Settlement Payments shall have their payments issued to them promptly under the remaining portion of the Settlement Timeline:

**SETTLEMENT TIMELINE**

<b>Final Approval</b>	
Effective Date	+35 days
Payment of Attorneys' Fees and Expenses	+40 days
Payment Deadline	+56 days

14. All provisions of the Settlement Agreement are hereby incorporated into this Order as if fully rewritten herein. To the extent there are terms in this Order that conflict with the terms of the Settlement Agreement in any manner, the Settlement Agreement shall control.

15. This Action is hereby dismissed with prejudice; subject, however, to this Court retaining jurisdiction over compliance with and implementation of the Settlement Agreement and this Final Order and Judgment.

16. There is no just reason for delay, and this is a final, appealable order as of when it is stamped as received for filing.

17. Any outstanding courts costs will promptly be submitted by Class Counsel for future reimbursement from the Common Fund.

Date 8/4/2021

<b>COURT OF COMMON PLEAS</b> ENTER <i>Wendy C. Cross</i>
Hon. Wendy C. Cross
THE CLERK SHALL SERVE NOTICE TO PARTIES PURSUANT TO CIVIL RULE 58 WHICH SHALL BE TAXED AS COSTS HEREIN.