

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

MARCELINE WHITE

*On behalf of herself individually and
similarly situated persons.*

Plaintiff

v.

NEWREZ LLC d/b/a SHELLPOINT
MORTGAGE SERVICING
&
FEDERAL NATIONAL MORTGAGE
ASSOCIATION

Defendants

Case No. C-02-CV-001060

**ORDER GRANTING PRELIMINARY APPROVAL OF NOTICE TO THE
CLASS, THE TERMS OF SETTLEMENT, AND SETTING
A FINAL APPROVAL HEARING AND OTHER DATES**

Upon consideration of Plaintiff Marceline White’s (“Plaintiff”) and Defendants NewRez LLC d/b/a Shellpoint Mortgage Servicing’s (“Shellpoint”) and Federal National Mortgage Association’s (“Fannie Mae”)(jointly “Defendants”)(collectively “Parties”) Joint Motion For Preliminary Approval of a Settlement Class, Appointing Plaintiff as Class Representative, Appointing Plaintiff’s Counsel as Class Counsel, Approving Notice to the Class and Setting of Final Approval Hearing and Other Dates filed herein, and the pleadings, motions and memoranda filed in this action, the Court finds that the Motion should be and hereby is **GRANTED**.

The Court has reviewed the requirements under Maryland Rule 2-231 and finds that, for settlement purposes, the proposed settlement class meets the requirement for certification. The class is numerous, consisting of approximately 20,307 residential

05/03/2021 ETD

mortgage loans in the State of Maryland. There are common issues as to whether the Defendants' actions and inactions were in violation of State and related Federal law when they sought to collect and did collect "convenience fees" (as defined in the Settlement Agreement) for accepting mortgage payments by telephone or on the Internet. The Plaintiff's claims under Maryland Consumer Debt Collection Practices Act, COM. LAW § 14-201, *et sec.* ("MCDCA") and the Maryland Consumer Protection Act, COM. LAW, § 13-101, *et seq.* ("MCPA") concerning the imposition and collection of convenience fees are typical and there is no dispute that she was not treated any differently by the Defendants.

Further, the Court finds that the Plaintiff and her Counsel will adequately represent the Settlement Class. Plaintiff has no interest adverse to the other class members. Similarly, the Court finds that Plaintiff's counsel, Phillip Robinson and Thomas Minton, are adequate to serve as class counsel and hereby appoints Plaintiff as Class Representative and Phillip Robinson and Thomas Minton as Class Counsel.

Further, the Court finds that certification of a class action for settlement purposes under MD. RULE 2-231(c)(1) is an appropriate and superior method to resolve the claims in this action. The claims relate to small dollar convenience fees and therefore the pursuit of individual claims by class members is unlikely and would be impracticable. The class action also sets forth common issues of fact that predominate over any other potential issues in this action.

Accordingly, the Court certifies the following class of persons under MD. RULE 2-231(c)(1) for settlement purposes only:

All individuals in Maryland who from October 1, 2018 to September 30, 2020 (i) paid a "Convenience Fee," (ii) collected in whole or in

part by Shellpoint, (iii) in order to make a payment on a residential mortgage debt, and (iv) where the term “convenience fee” charged was not specifically enumerated in the original agreement creating such debt.

The claims to be addressed by the Class are claims relating to the legality of such fees, including:

Claims under the MCDCA, MCPA, and 15 U.S.C.A. § 1692f(1) as set forth in the Amended Complaint in this action and the parties’ Settlement Agreement.

The Court further finds, subject to hearing from members of the Class after Notice, that the proposed Settlement of this action as reflected in the Class Action Settlement Agreement and Release appears to be within the range of reasonableness and appears to be a fair and reasonable compromise of the disputed claims herein given liability is not certain and the relief obtained is substantial.

The Court approves the manner of notice and proposed notices to class members of this Settlement; specifically the Notice of Class Action Settlement (the “Class Notice”), to be sent by electronic email, short form notice, and settlement website proposed by the Parties, is approved and authorized. The Class Notice shall be printed and transmitted to the last known email and/or postal addresses of the class members for which addresses are known no later than forty-five (45) days after entry of this order and it shall contain the following dates and information:

Deadline for election to be excluded: 07/30/21 a date certain no more than 55 days after notice served

Deadline for objections to be filed: 07/30/21 a date certain no more than 60 days after notice served

Date and Time of Final Fairness Hearing as set forth below

A Final Fairness Hearing concerning this Settlement shall take place beginning at 8/31/21 at 1:30 AM/PM in Courtroom ____ of this Court. This date is approximately 1 month after the objection deadline. Plaintiff's Motion for Final Approval of this Settlement, Petition for Class Counsel Compensation, together with affidavits regarding notice and elections, shall be filed with the Court prior to the final fairness hearing.

The Court further approves the Stipulation of Settlement provided to this Court by the parties. This Order is subject to further consideration based on any validly filed objections that may be made by the Class following the dissemination of Notice of the Settlement.

04/30/2021 12:36:50 PM



Judge

Judge William C. Mulford, II

cc: All Counsel of Record