

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
CINDY GINTER, et al., on behalf of)	
themselves and those similarly situated,)	
Plaintiff,)	
)	
v.)	CA No: 12-cv-00008
)	
RBS CITIZENS, N.A., d/b/a CCO)	
MORTGAGE CHARTER ONE, AND)	
CITIZENS BANK)	
Defendant.)	
_____)	

**ORDER GRANTING PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION SETTLEMENT**

Upon consideration of the Parties' Joint Motion for Preliminary Class and Collective Action Settlement Approval (ECF No. 128), the Court hereby GRANTS the Motion and ORDERS as follows:

1. The Court preliminarily approves the Parties' Stipulation and Settlement Agreement as fair, reasonable, and adequate;
2. For settlement purposes only, the following collective action is conditionally certified pursuant to 29 U.S.C. § 216(b), pending final approval of the settlement: all individuals who worked as Mortgage Loan Officers for Defendant RBS Citizens, N.A.'s at any time between September 10, 2009 and April 15, 2012;
3. For settlement purposes only, the following Settlement Class is provisionally certified pursuant to Fed. R. Civ. P. 23, pending final approval of the settlement: all individuals who worked as Mortgage Loan Officers for Defendant RBS Citizens, N.A. in Illinois, between September 10, 2009 and April 15, 2012 and all individuals who worked as Mortgage Loan

Officers for Defendant RBS Citizens, N.A. in New York at any time between February 12, 2007 and April 15, 2012;

4. Nichols Kaster, PLLP, Donelon, P.C., and Winebrake & Santillo, LLC are appointed as Class Counsel for the Settlement Class;

5. The Court approves Rust Consulting, Inc. as Claims Administrator;

6. The proposed Notice Regarding Pendency of Class Action, including all exhibits, is approved, and shall be sent out pursuant to the terms of the Stipulation and Settlement Agreement;

7. The Court concludes, consistent with the parties' agreement that the following individuals who opted-in to this action are not eligible to participate in the settlement because they did not work as MLOs for Defendant between September 10, 2009 and April 15, 2012: Brenda Carrillo and Chris Caldwell. The claims of these individuals will be dismissed without prejudice as part of the Court's final approval order.

8. The Court will conduct a Final Approval Hearing on **WEDNESDAY, DECEMBER 11, 2013, at 11 AM** to determine the overall fairness of the settlement and to fix the amount of attorneys' fees and costs to Class Counsel and an Enhancement Award to the Class Representative. The Final Approval Hearing may be continued without further notice to Class Members. Class Counsel shall file their motion for Attorneys' Fees, Costs, and an Enhancement Award to the Class Representative on or before Friday, December 6, 2013; and

9. This Order is not admissible as evidence for any purpose against Defendant in any pending or future litigation. This Order shall not be construed or used as support for conditional certification or certification of any class or collective action. This Order shall not be construed or used as an admission, concession, or declaration by or against Defendant of any fault, or

wrongdoing, breach, or liability and Defendant specifically denies any such fault, breach, liability, or wrongdoing. This Order shall not be construed or used as an admission, concession, declaration, or waiver by any party of any arguments, defenses, or claims he, she, or it may have, including, but not limited to, any objections by Defendant to class certification, in the event that the Stipulation and Settlement Agreement is terminated. Moreover, the Stipulation and Settlement Agreement and any proceedings taken pursuant to the Stipulation and Settlement Agreement are for settlement purposes only. Neither the fact of, nor any provision contained in the Stipulation and Settlement Agreement or its exhibits, nor any actions taken thereunder shall be construed as, offered into evidence as, received in evidence as, and/or deemed to be evidence of a presumption, concession, or admission of any kind as to the truth of any fact alleged or validity of any defense that has been, could have been, or in the future might be asserted.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

October 22, 2013