

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRED A. JORDAN	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMONWEALTH FINANCIAL	:	
SYSTEMS, INC. ET AL	:	NO. 2:05-cv-05789-LDD

ORDER PRELIMINARILY APPROVING
SETTLEMENT AND DIRECTING NOTICE TO CLASS

AND NOW, this January 11th day of 2008, upon consideration of Plaintiff’s Motion for Preliminary Approval of Settlement (Doc. No. 34) and the parties’ memoranda of law related to this motion (Doc. Nos. 39, 41, 42) and having reviewed the Settlement Agreement entered into by Plaintiff Fred A. Jordan, on behalf of himself and the class of similarly situated persons certified by the Court’s Order and Opinion entered July 27, 2006 (the “Class”) and Defendants Commonwealth Financial Systems, Inc., NCC, and Patricia A. Cobb. Esq. (together, the “Defendants”), by their respective counsel (the “Settlement Agreement”), it is hereby ORDERED that:

1. The Settlement Agreement entered into between the parties as of June 14, 2007, appears, upon preliminary review, to be fair, reasonable and adequate to the Class. Accordingly, the proposed settlement is preliminarily approved, pending a final hearing as provided for herein.

2. The Court will hold a fairness hearing pursuant to Fed.R.Civ.P 23(e) on May 1, 2008 at 10:00a.m. in Courtroom 6A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania for the following purposes:

- (A) To determine whether the proposed settlement is fair, reasonable and adequate and should be granted final approval by the Court;
- (B) To determine whether a final judgment should be entered dismissing the statutory damages claims of the class with prejudice, as required by the Settlement Agreement;
- (C) To consider the application of plaintiff's counsel for an award of attorneys' fees and expenses, and for an award to the class representative; and
- (D) To rule upon other such matters as the Court may deem appropriate.

3. Within thirty (30) days of entry of this Order, the class notice in the form attached as Exhibit "A" to the Settlement Agreement (the "Class Notice") shall be sent by the settlement administrator via first-class U.S. mail to all members of the Class at their last known addresses as reflected in the computer records of Defendants.

4. The Court finds this manner of giving notice fully satisfies the requirements of Fed.R.Civ.P. 23 and due process, constitutes the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

5. The costs of printing and mailing the Class Notice and administering the settlement shall be paid by Defendants.

6. The settlement administrator shall file, no later than twenty (20) days before the fairness hearing, proof of mailing of the Class Notice.

7. As provided in the Class Notice, each Class member shall have the right to exclude himself or herself from the settlement class by mailing a request for exclusion to the Settlement Administrator postmarked not later than thirty (30) days from the date of the Class Notice. Requests for exclusion must set forth the Class member's name and address. At least

five (5) days prior to the fairness hearing, the settlement administrator shall file with the Court a list of all persons who have timely requested exclusion from the settlement.

8. As provided in the Class Notice, each Class member who does not timely opt out of the Class shall have the right to object to the settlement or to the request by class counsel for an award of attorney's fees and expenses by serving written objections upon class counsel and Defendants' counsel, postmarked not later than thirty (30) days after mailing of the Class Notice. Failure to timely serve written objections will preclude a Class member from objecting at the fairness hearing. At least 10 (ten) days prior to the fairness hearing, class counsel shall file with the Court a copy of all objections to the settlement.

9. All briefs, memoranda, petitions and affidavits to be filed in support of an award of attorneys' fees and expenses to class counsel shall be filed not later than twenty (20) days before the fairness hearing. Class counsel may file a reply brief in support of an award of fees and expenses not later than five (5) days before the fairness hearing.

10. All briefs, memoranda, petitions and affidavits to be filed in support of final approval of the settlement shall be filed not later than ten (10) days before the fairness hearing.

11. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.