

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

MILES BLACK, et al., individually, and on behalf of)	
all others similarly situated,)	
Plaintiffs,)	Case No. 2018 CV 1256
v.)	
CITY OF GIRARD, OHIO, and BLUE LINE)	
SOLUTIONS, LLC,)	Hon. Andrew D. Logan
Defendants.)	
_____)	

PRELIMINARY APPROVAL ORDER

The matter before the Court is the motion of Plaintiffs MILES BLACK, MELISSA BLACK a.k.a. MELISSA HYDE, LORRAINE MORRIS, JOHN PERFETTE, SAMUEL ROTZ, and JOHN BEAL (collectively, “Class Representatives” or “Plaintiffs”) for preliminary approval of a proposed class action settlement with Defendant BLUE LINE SOLUTIONS, LLC (“Blue Line”) on behalf of the Class. The proposed Settlement would resolve all of the claims asserted by Plaintiffs and members of the Class against Blue Line only. The litigation of Plaintiffs’ and the Class Members’ claims against Defendant City of Girard, Ohio will continue.

This matter has been resolved after vigorously contested litigation, including through appeal and affirmance of the Court’s Order granting class certification pursuant to Civ. R. 23, and detailed arm’s length settlement negotiations between Class Representatives and Class Counsel on the one hand, and Blue Line on the other hand (“Settling Parties”). The Settling Parties, through their respective counsel, have executed and filed with this Court a Settlement Agreement that would resolve the Released Claims.

The Court, having reviewed the Settlement Agreement, including the exhibits thereto, and considered the briefing submitted in support of the unopposed motion and the arguments of counsel thereon, finds that the terms of the proposed Settlement are fair, reasonable and adequate to Plaintiffs and the Settlement Class and that proposed Notice Plan is directed in a reasonable manner to all Class Members who would be bound by the Settlement. The Court therefore GRANTS the preliminary approval motion and ORDERS as follows:

1. Except as otherwise stated, this Order incorporates the defined terms set forth in the Settlement Agreement.

2. The Settlement, on the terms and conditions set forth in the Settlement Agreement, is preliminarily approved by this Court as being fair, reasonable, adequate, and within the range of possible final judicial approval. The Court finds that the Settlement resulted from arm's length negotiations conducted without collusion and in good faith by the Settling Parties, and reflects a settlement that was reached voluntarily after consultation with experienced legal counsel.

3. The Court preliminarily approves the creation of the Settlement Fund, as defined and set forth in the Settlement Agreement. The Court finds that the method by which the Settlement Fund is to be calculated pursuant to the Settlement Agreement is fair, reasonable, and adequate.

4. The Court approves the Notice Plan set forth in the Settlement Agreement, as well as the contents of the proposed notices attached thereto as Exhibit A-1 (Direct Notice) and Exhibit A-2 (Detailed Notice). The Court finds that the Class Notice provides a sufficiently clear and concise description of the Action, the Settlement terms, and the rights and responsibilities of the Class Members. The Court finds that the dissemination of the Class Notice through U.S. mail and posting on the Settlement Webpage, as set forth in the Settlement Agreement, is the best means practicable, and is reasonably calculated to apprise the Class Members of the Litigation and their

right to participate in, object to, or exclude themselves from the Class and/or the Settlement with Blue Line, and participate in or exclude themselves from the continuing Litigation. Accordingly, the Settling Parties and counsel are directed to work together and with the Settlement Administrator to ensure that the Settlement Administrator successfully disseminates the Class Notice pursuant to the terms of the Settlement Agreement and this Preliminary Approval Order.

5. The Court approves and appoints KCC Class Action Services, LLC (“KCC”) as the Settlement Administrator and directs KCC to perform the duties set forth in the Settlement Agreement and this Preliminary Approval Order, including disseminating the Class Notice and administering the Settlement. As set forth in the Settlement Agreement, all Administrative Costs shall be deducted by KCC from the Settlement Fund, as set forth in the Settlement Agreement.

6. The Court will conduct a Final Approval Hearing, at which time it will consider any objections to the Settlement Agreement and determine whether the Settlement Agreement should be finally approved, at 11:00 a.m. on November 22, 2021.

7. Class Counsel shall file a motion for an award of attorneys’ fees, costs, and expenses, and Class Representative Incentive Awards, no later than seven (7) days prior to the Opt Out and Objection Deadline, and any amendment or supplement to the motion shall be filed no later than seven (7) days before the Final Approval Hearing. The Court will rule upon the motions at the Final Approval Hearing.

8. Plaintiffs shall file a motion requesting Final Approval of the Settlement no later than seven (7) days prior to the Final Approval Hearing. The Court will rule upon the motion at the Final Approval Hearing.

9. Any Settlement Class Member who does not opt out of the Class or this Settlement and wishes to object to the fairness, reasonableness, or adequacy of the Settlement set forth in the

Settlement Agreement, or the applications of Class Counsel for attorneys' fees, costs, and expenses, and Class Representative Incentive Awards, must on or before the Objection Deadline specified in the Class Notice, file copies of any papers they propose to be submitted at the Final Approval Hearing with the Clerk of the Court of Common Pleas, Trumbull County, Ohio, 161 High Street N.W., Warren, Ohio 44481, and send copies of the papers by mail, hand delivery, or overnight delivery service to the following:

To Class Counsel:

Thomas A. Zimmerman, Jr.
Zimmerman Law Offices, P.C.
77 W. Washington Street, Suite 1220
Chicago, Illinois 60602

To Blue Line:

Robert S. Yallech
Reminger Co., LPA
11 Federal Plaza Central, Suite 1200
Youngstown, Ohio 44503

Any Settlement Class Member who intends to object to this Settlement must include in the written objection: (a) their name and address; (b) their arguments, citations, reasons, and evidence supporting their objection; (c) a statement that they are a Settlement Class Member; (d) the citation numbers of Qualifying Citations they were issued; (e) their physical signature; and (f) a statement indicating whether they intend to appear at the Final Approval Hearing with or without counsel. Any Settlement Class Member who fails to object in the manner prescribed in this Preliminary Approval Order shall be deemed to have waived their objections and be forever barred from making any such objections in the Action or in any other action or proceeding. While the statements described above in this paragraph are prima facie evidence that the objector is a member of the Settlement Class, subject to verification based on the parties' records, in the event of inaccuracies or inconsistencies in the statements, any of the Settling Parties may take limited

discovery regarding the matter, subject to Court approval. No person will be entitled to be heard at the Final Approval Hearing, and no written objections will be received or considered by this Court, unless all pertinent terms and conditions set forth above and in the Class Notice have been fully met. If an objection is overruled, the objecting Settlement Class Member will be bound by the terms of the Settlement and may not exclude him/herself later.

10. Any Class Member who wishes to be excluded from the Class or this Settlement must submit a complete and timely written request for exclusion on or before the Opt Out Deadline set forth in the Class Notice. In order to exercise the right to be excluded, a Class Member must timely send a written request for exclusion to the Settlement Administrator providing their name and address, their physical signature, the case name and court number of the Action, and a statement that they wish to be excluded from either the Class or this Settlement, as the case may be. Group opt outs, including “mass” or “class” opt outs are prohibited. To be timely, the written request must be postmarked by the Opt Out Deadline.

11. Any person who timely opts out of the Settlement shall not be bound by any orders or the Final Approval Order entered in the Action, not be entitled to relief under the Settlement Agreement and will not be entitled to object to any aspect of the Settlement. Any person who timely opts out of the Class shall not be bound by any orders or the Final Approval Order entered in the Action, not be entitled to relief under the Settlement Agreement or any other future settlement in this Action, and will not be entitled to object to any aspect of the Settlement or any other future settlement in this Action.

12. If the Court does not enter Final Approval of the Settlement, any and all rights of the Settling Parties existing prior to the execution of the Settlement Agreement shall be preserved, and the Action shall proceed in all respects as if the Settlement Agreement and any related orders

had not been entered. In such event, none of the terms of the Settlement Agreement shall be admissible in any trial or otherwise used against any party, except to enforce the terms thereof that relate to the Settling Parties' obligations upon termination.

13. For the benefit of the Settlement Class Members and as provided in the Settlement Agreement, this Court retains continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement Agreement.

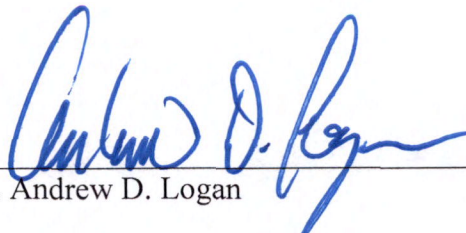
14. The Settling Parties are directed to carry out their obligations under the Settlement Agreement.

Summary of Applicable Dates

1.	Preliminary Approval Order (PA) entered	August 19, 2021
2.	Blue Line pays the Settlement Fund, and provides the Class List, to the Settlement Administrator	September 2, 2021 (PA + 14)
3.	Direct Notice to be sent and Settlement Webpage to be activated (ND)	September 23, 2021 (PA + 35)
4.	Deadline for Class Counsel to file motion for an award of attorneys' fees, costs, and expenses, and Class Representative Incentive Awards	October 31, 2021 (OD - 7)
5.	Deadline to Opt Out or Object (OD)	November 7, 2021 (ND + 45)
6.	Deadline for Plaintiffs to file a motion for Final Approval, and any amendment or supplement to the motion for an award of attorneys' fees, costs, and expenses, and Class Representative Incentive Awards	November 15, 2021 (FH - 7)
7.	Fairness Hearing (FH)	November 22, 2021

SO ORDERED.

Dated: August 19, 2021


 Hon. Andrew D. Logan