UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

GERALD E. REED, IV,

Plaintiff,

v. Case No. 6:19-cv-1751-RBD-LHP

COSTA DEL MAR, INC.,

Defendant.

ORDER

Before the Court is Plaintiff's unopposed motion for preliminary approval of a class action settlement and approval of class notice. (Doc. 186.)

It is **ORDERED AND ADJUDGED**:

1. Plaintiff's motion (Doc. 186) is **GRANTED**.

2. Having considered the factors set forth in Federal Rule of Civil Procedure 23(e)(2), the Court **PRELIMINARILY APPROVES** the settlement set forth in the parties' Settlement Agreement (Doc. 186-1) as being a fair, reasonable, and adequate resolution of the pending class action claims.

3. The court **MODIFIES** the previously certified class definition (*see* Doc. 161) as follows:

> All citizens of the United States (except Florida residents) who purchased non-prescription, non-promotional Costa sunglasses before January 1, 2018, and who were charged a fee by Costa, between April 3, 2015, and January 28, 2026, to repair or replace components of their sunglasses that Costa determined were damaged as a result of accident, normal wear or tear, or misuse. The Class shall consist only of those members whose repairs exceed $11.95. The class excludes Florida residents, Costa, its controlled affiliates and specified related persons, and judicial staff assigned to the action.

4. Based on the parties' stipulations and the Court's previous analysis (*see* Doc. 161), the Court **FINDS** that the proposed modification to the class satisfies all requirements of Fed. R. Civ. P. 23(a) and (b)(3).

5. In compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b), Class Counsel is **DIRECTED** to provide confirmation that Defendant served written notice of the proposed class settlement on an "appropriate Federal official" and "appropriate State official."

6. The Court **APPROVES**, as to form and content, the parties' proposed Settlement Notice. (Doc. 186-1, pp. 56–67.)

7. The Court **FINDS** that the proposed distribution procedures for the Settlement Notice, as set forth in the Settlement Agreement, are reasonable under the circumstances and constitute sufficient notice to Class Members. The proposed form and method for notifying the Settlement Class Members of the settlement and its terms and conditions meet the requirements of Federal Rule of Civil Procedure

23(c)(2)(B) and due process, constitute the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons and entities entitled to the notice. The Court finds that the proposed notice is clearly designed to advise the Settlement Class Members of their rights.

8. The Court **APPOINTS** Epiq Class Action & Claims Solutions, Inc. as the Settlement Administrator. Within fifteen days after the Preliminary Approval Order, the Settlement Administrator shall issue the notice approved by the Court to each Class Member.

9. Any Class Member who wishes to be excluded from the Settlement Class must send a written request to be excluded to the Settlement Administrator, and the request for exclusion must actually be received by the Settlement Administrator within sixty (60) days from the date of first mailing of the Settlement Notice ("Notice Period"). If a Class Member requests to be excluded in a timely manner, their claims will be dismissed without prejudice.

10. Any Class Member who receives the Notice, other than the Named Plaintiff, may object to this Settlement during the Notice Period, provided that such objections are made in writing and filed with the Court and served on Class Counsel, who shall provide a copy to

Defendant's counsel within two (2) business days after receipt. In order for his or her objection to be considered, the Class Member must file a timely objection with the Court, stating: his or her name and address; the title of the Lawsuit; a description of his or her objections; the reasons for the objections; whether the objections apply only to the objector, a specific subset of the class, or the entire class; a statement about whether the objector or his or her lawyer will appear at the Fairness Hearing; and his or her signature. No individual may be heard at the Fairness Hearing who has not complied with this requirement. Any individual who fails to comply with this requirement will be deemed to have waived any right to object and any objection to the Settlement.

11. Within thirty (30) days after the expiration of the Notice Period, and at least fifteen (15) days prior to the Fairness Hearing, the parties will file jointly a motion for final approval of the Settlement. In connection with that motion, the parties shall file a declaration by the Settlement Administrator outlining the completion of the notice distribution plan. The parties shall also file with that motion lists of the names of (1) the Non-Participating Class Members who requested to be excluded from the Settlement Class as provided in the Notice, and

(2) the Class Members who submitted objections as provided in the Notice. The parties shall also file with that motion copies of any requests for exclusion and copies of any objections.

12. The Court will take up Plaintiff's unopposed motion for attorney fees and expenses (Doc. 187) at the Fairness Hearing.

13. The Fairness Hearing will take place on **Monday, December 14, 2026, at 10:00 a.m.** in Courtroom 4A at the U.S. District Courthouse, 401 West Central Boulevard, Orlando, Florida 32801 before Judge Roy B. Dalton, Jr. At the Fairness Hearing, the Court will address the joint motion for final approval, any pending objections to the Settlement Agreement, and Class Counsel's unopposed motion for attorney's fees and costs.

DONE AND ORDERED in Chambers in Orlando, Florida, on July 31, 2026.

ROY B. DALTON, JR.
United States District Judge