

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHANNON McBURNIE and APRIL
SPRUELL, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

ACCEPTANCE NOW, LLC, a Delaware
limited liability company; and DOES 1-50,
inclusive,

Defendants.

Case No. 3:21-cv-01429-JD

CLASS ACTION

**ORDER RE PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

The Court grants preliminary approval of the classwide settlement in this case. This order is based on a proposed order lodged by the parties and modified by the Court pursuant to its practices and conclusions. It should be read in its entirety for changes to the proposed order.

1. The settlement class is certified as follows: All individuals who entered into a Rental-Purchase Agreement with RAC Acceptance East, LLC in California at any time between December 11, 2016, and June 30, 2021, and who were charged a Processing Fee. Excluded from the Class are all current employees of RAC Acceptance East, LLC, all current employees of Plaintiffs' counsel, and the judicial officers to whom this action is assigned and each such judicial officer's current spouse, minor children, and court staff, and any person, or the spouse of a person, who is within a third degree of relationship to such judicial officer or to the judicial officer's spouse.

2. The Settlement is fair, adequate, and reasonable as to all class members when balanced against the cost and uncertainty associated with further litigation.

3. The Court appoints Rust Consulting, Inc. as the Settlement Administrator.

1 4. Notice is approved in the form of the Summary Class Notice (Exhibit A to the
2 Settlement Agreement), the mailed Summary Class Notice (Exhibit B to the Settlement Agreement),
3 and the Long Form Notice (Exhibit C to the Settlement Agreement). The notice procedure described
4 in the Settlement Agreement meets the requirements of Rule 23 of the Federal Rules of Civil
5 Procedure and due process, and constitutes the best practicable notice under the circumstances.

6 5. The Settlement Administrator will disseminate the Summary Class Notice to class
7 members via email (or, if no email address is available or if the Settlement Administrator determines
8 that the listed email address is invalid or no longer operative, then via U.S. Mail) no later than
9 twenty-eight (28) days after entry of this Order. Prior to mailing, the Settlement Administrator will
10 run the mailing addresses through the NCOA database and update the mailing address information
11 as appropriate. The date on which the Summary Class Notice is emailed or mailed is the “Notice
12 Date.” The Settlement Administrator will take all steps necessary to establish a settlement website
13 and to post the Long Form Notice on the website by the Notice Date. If any e-mailed Class Notice
14 documents are “bounced back” as undeliverable, then within fourteen (14) days after the Notice
15 Date, the Settlement Administrator will mail the Summary Class Notice to the mailing address, as
16 updated by the NCOA database, of any individuals whose Class Notice documents bounced back.
17 For a period of twenty-eight (28) days following the Notice Date, if any mailed Summary Class
18 Notice is returned to the Settlement Administrator as undeliverable, the Settlement Administrator
19 will perform a skip-trace and/or other customary address search in an attempt to locate a valid
20 address, and if a new address is obtained, will re-mail the Summary Class Notice to that address.

21 6. Any individual who wishes to exclude himself or herself from the Settlement may
22 mail, email, or deliver to the Settlement Administrator a written request for exclusion no later than
23 seventy-five (75) days following the Notice Date. Any request for exclusion must set forth the class
24 member’s name, mailing address, and e-mail address (if any), along with the statement “I wish to
25 be excluded from the *McBurnie v. RAC* settlement” or words to that effect. Any request for exclusion
26 must be personally signed by each person requesting exclusion. “Mass” or “class” opt-outs will not
27 be allowed. Class members who do not timely request exclusion will be bound by the provisions of
28 the Settlement Agreement and all orders or judgments that may be entered by the Court.

7. Any member of the Class who wishes to object to the Settlement must send a written objection to the Court no later than seventy-five (75) days following the Notice Date. For this purpose, the Court's mailing address is: Office of the Clerk, United States District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102-3489. The objection must state the name of the lawsuit (*McBurnie, et al. v. Acceptance Now*, Case No. 3:21-cv-01429-JD), and the class member's name, mailing address, and e-mail address (if any). The objection must also state whether the objecting class member intends to appear at the Final Approval Hearing, and whether any such appearance will be made with or without counsel. In accordance with Federal Rule of Civil Procedure 23(e)(5), the objection must state whether it applies only to the objector, to a specific subset of the Class, or to the entire Class, and must also state with specificity the grounds for the objection. Class Counsel and RAC will respond to any objections, as appropriate, either in briefs filed in advance of the Final Approval Hearing or at the Final Approval Hearing.

8. RAC will promptly comply with the requirements of the Class Action Fairness Act, 28 U.S.C. §1715(b).

9. East Bay Community Law Center is approved on a preliminary basis as the *cy pres* recipient for residual funds in the event any settlement payments to class members are uncashed or not negotiated at the conclusion of settlement administration.

10. Plaintiffs will file a motion for final approval by the date specified below. Class Counsel's motion for attorneys' fees, litigation expenses, and for any service awards to the class representatives will also be filed by the date specified below.

11. A Final Approval Hearing shall be held by this Court, in Courtroom 11, on the 19th Floor, of the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, California 94102, on March 12, 2026, at 10:00 a.m., at which time the Court will determine whether the Settlement should be granted final approval. At the Final Approval Hearing, the Court will hear Class Counsel's motion for attorneys' fees, litigation expenses, and any proposed service awards.

12. The Court reserves the right to adjourn or continue the date of the Final Approval Hearing and all dates provided for in the Settlement without further emailed or mailed notice to the

1 class members, and retains jurisdiction to consider all further matters arising out of or connected
2 with the proposed Settlement.

3 13. The Court adopts the following dates for performance of the specified activities
4 leading to the Final Approval Hearing:

Deadline	Event
28 days after Preliminary Approval Date	Deadline for Settlement Administrator to email the court-approved Summary Class Notice to Class Members for whom an email address is available, mail the Summary Class Notice to Class Members for whom an email address is not available, and establish the Settlement Website. The date on which those actions are completed is the "Notice Date."
14 days after Notice Date	Deadline for Settlement Administrator to mail the Summary Class Notice to last known address of any Class Members for whom an email notice was bounced back as undeliverable
35 days prior to the Exclusion/Objection Deadline	Deadline for Class Counsel to file motion for attorneys' fees, litigation expenses, and class representatives service awards
75 days after Notice Date	Last day for Class Members to object or opt out ("Exclusion/Objection Deadline").
35 days prior to the Final Approval Hearing	Deadline for Plaintiffs to file motion for final approval
March 12, 2026	Final Approval Hearing

19 14. The parties will carry out the Settlement in the manner provided in the Settlement
20 Agreement and this Order.

21 **IT IS SO ORDERED.**

22 Dated: October 31, 2025

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25 HON. JAMES DONATO
26 United States District Judge
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