

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:23-cv-14337-KMM

MICHAEL SHUTLER individually and on  
behalf of others similarly situated,

Plaintiff,

v.

CITIZENS DISABILITY LLC,

Defendant.

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**ORDER**

THIS CAUSE came before the Court upon the Parties' Joint Motion for Preliminary Approval of Class-Wide Settlement. ("Mot.") (ECF No. 121). As set forth below, the Joint Motion for Preliminary Approval of Class-Wide Settlement is GRANTED.

On September 9, 2024, this Court certified the following class:

All people in the United States (1) who answered one or more prerecorded calls from Citizens, (2) made from the Pipes.ai calling platform, (3) between 11/8/2019 to 10/25/2023, (4) and at the time of the call Citizens' only lead source for the person called was GrantsAssistanceForYou.com.

(ECF No. 88 at 18). On November 4, 2024, this Court approved Plaintiffs' Motion to Disseminate Class Notice, after finding that the proposed notice plan afforded "the 'best practicable' notice under the circumstances. (ECF No. 114) (quoting *Juris v. Inamed Corp.*, 685 F.3d 1294, 1321 (11th Cir. 2012)). On November 21, 2024, the Parties filed a status report indicating that a class-wide settlement had been reached. (ECF No. 115). Thereafter, the Parties filed the instant motion requesting this Court grant preliminary approval of the settlement agreement ("Agreement"). Mot. at 15; *see also* (ECF No. 121-1).

Approval of a class action settlement is a two-step process. *See Bennett v. Behring Corp.*, 737 F.2d 982, 985 (11th Cir. 1984). The Court first grants preliminary approval of the class settlement and then, if appropriate, grants final approval of a class settlement. *Id.* at 986. A class settlement will be certified so long as it is “fair, adequate and reasonable and is not the product of collusion between the parties.” *Id.* The Eleventh Circuit has

identified the following factors as relevant to our review of whether a class settlement's terms are fair, reasonable and adequate: (1) the likelihood of success at trial; (2) the range of possible recovery; (3) the point on or below the range of possible recovery at which a settlement is fair, adequate and reasonable; (4) the complexity, expense and duration of litigation; (5) the substance and amount of opposition to the settlement; and (6) the stage of proceedings at which the settlement was achieved.

*In re CP Ships Ltd. Sec. Litig.*, 578 F.3d 1306, 1318 (11th Cir.2009) (quoting *Bennett*, 737 F.2d at 986). UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Parties’ Joint Motion for Preliminary Approval of Class-Wide Settlement (ECF No. 121) is GRANTED. It is further, ORDERED AND ADJUDGED that:

**A. The Settlement Class Is Conditionally Certified**

1. Pursuant to Federal Rule of Civil Procedure 23, and for Settlement purposes only, the Court hereby certifies the following Class:

All people in the United States (1) who answered one or more prerecorded calls from Citizens, (2) made from the Pipes.ai calling platform, (3) between 11/8/2019 to 10/25/2023, (4) and at the time of the call Citizens’ only lead source for the person called was GrantsAssistanceForYou.com.

2. With respect to the Class and for Settlement purposes only, the Court preliminarily finds the prerequisites for a class action under Federal Rules of Civil Procedure 23(a) and (b)(3) have been met, including: (a) numerosity; (b) commonality; (c) typicality; (d) adequacy

of the Class representatives and Class Counsel; (e) predominance of common questions of fact and law among the Class for purposes of Settlement; and (f) superiority.<sup>1</sup>

3. Pursuant to Federal Rule of Civil Procedure 23(e), the Court hereby appoints the Plaintiff Michael Shutler as class representative.
4. Having considered the factors set forth in Federal Rule of Civil Procedure 23(g)(1), the Court hereby appoints LawHQ, P.C. as Class Counsel.
5. The Court hereby preliminarily approves the Agreement and the terms and conditions of Settlement set forth therein, subject to further consideration at the Final Approval Hearing described below.

**B. The Class Settlement is Preliminarily Approved**

6. The Court has conducted a preliminary assessment of the fairness, reasonableness, and adequacy of the Agreement, and hereby finds that the settlement falls within the range of reasonableness meriting possible final approval. The Court therefore preliminarily approves the proposed settlement as set forth in the Agreement.
7. The terms of the Agreement were negotiated at arms-length and offer adequate, equitable relief for the class members.
8. The Notice to be provided to potential class members as set forth in the Motion is found to be the best means of providing notice practicable under the circumstances and, when completed, shall constitute due and sufficient notice of class certification persons entitled to participate in the Class.<sup>2</sup>
9. The Parties SHALL comply with the Proposed Schedule set forth in Section V of the

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<sup>1</sup> For a more in-depth analysis of the proposed settlement class, *see* (ECF No. 88 at 18) (certifying proposed settlement class action for litigation).

<sup>2</sup> For a more in-depth analysis of the proposed notice, *see generally* (ECF No. 114) (granting motion to disseminate class notice).

Motion for Preliminary Approval. Mot. at 15.

**C. The Class Settlement is Preliminarily Approved**

10. Pursuant to Federal Rule of Civil Procedure 23(e), the Court will hold a Final Approval Hearing on June 3, 2025, at 11:00 a.m. EST, in the Courtroom of the Honorable K. Michael Moore, United States District Court for the Southern District of Florida, 400 North Miami Ave., Miami, FL 33128, for the following purposes:

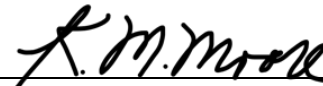
- a) to finally determine whether the Class meets all applicable requirements of Federal Rule of Civil Procedure 23 and, thus, should be certified for purposes of effectuating the Settlement;
- b) to determine whether the proposed Settlement of the Action on the terms and conditions provided for in the Agreement is fair, reasonable and adequate and should be finally approved by the Court;
- c) to consider the application of Class Counsel for an award of Attorneys' Fees and Expenses, as provided for under the Agreement;
- d) to consider the applications of Plaintiffs for Class representative incentive awards, as provided for under the Agreement;
- e) to consider whether the Court should enter the Proposed Final Settlement Order and Judgment;
- f) to consider whether the release of the Released Claims as set forth in the Agreement should be provided; and
- g) to rule upon such other matters as the Court may deem just and appropriate.

11. The Court may adjourn the Final Approval Hearing and later reconvene such hearing without further notice to Settlement Class Members.

12. The Parties may further modify the Agreement prior to the Final Approval Hearing so long as such modifications do not materially change the terms of the Settlement provided thereunder. The Court may approve the Agreement with such modifications as may be agreed to by the Parties, if appropriate, without further notice to Settlement Class Members.

13. All papers in support of the Settlement and any application for an award of Attorneys' Fees and Expenses and/or Class representative incentive awards must be filed with the Court and served at least fourteen (14) days prior to the Final Approval Hearing.

DONE AND ORDERED in Chambers at Miami, Florida, this 31st day of January 2025.

A handwritten signature in black ink, appearing to read "K. M. Moore", is written over a horizontal line.

K. MICHAEL MOORE

UNITED STATES DISTRICT JUDGE

c: All counsel of record