UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VALERIE MCMULLEN, **Plaintiff,** **v.** **SYNCHRONY BANK, *et al.*,** **Defendants.**	**Case No. 1:14-cv-01983-JEB**

~~[PROPOSED]~~ ORDER GRANTING PLAINTIFF'S RENEWED MOTION FOR CLASS ACTION CERTIFICATION, DIRECTING THE ISSUANCE OF CLASS NOTICE, AND APPOINTING CLASS COUNSEL

Upon consideration of the Plaintiff's Renewed Motion for Class Action Certification; Directing the Issuance of Class Notice; and Appointment of Class Counsel ("Motion") and the Exhibits thereto, it is, this 1st day of Oct., 2019, hereby ORDERED as follows:

APPROVAL OF CLASS ACTION CERTIFICATION

1. The Class shall consist of: all individuals for whom a line of credit was opened by Chase and/or Synchrony Bank through one or more of the One World Fitness Defendants (One World Fitness, Bullen Wellness, Washington Chiropractic, Bullen, and/or Steward). The Class shall include the following sub-classes:

   a. All members of the Class who received charges against the line of credit opened by Chase and/or Synchrony Bank through the World Fitness Defendants (One World Fitness, Bullen Wellness, Washington Chiropractic, Bullen, and/or Steward).

   b. All members of the Class who made payments to Chase and/or Synchrony Bank in response to receiving such charges.

2. In certifying the Class, the Court makes the following determinations as to certification of the Class:

a. The Court certifies the Class under Fed. R. Civ. P. 23(a) and (b)(3);

b. The Class is so numerous that joinder of all members is impracticable;

c. There are questions of law or fact common to the members of the Class;

d. The Plaintiff's claims are typical of the claims of the other members of the Class;

e. The Plaintiff is capable of fairly and adequately protecting the interests of the members of the Class;

f. Common questions of law and fact predominate over questions affecting only individual members of the Class;

g. The Class is ascertainable; and

h. Resolution of the claims in this Action by way of a class action is superior to other available methods for the fair and efficient resolution of the claims of the Class.

3. The class claims shall include Plaintiff's claims for:

a. Unlawful trade practices under the CPPA against the One World Fitness Defendants (Count II);

b. Fraud and Conspiracy to Commit Fraud against the One World Fitness Defendants (Count III);

c. Conversion (IV);

d. Alter Ego (VI); and

e. Damages, including compensatory, statutory, and punitive damages to be determined by a jury.

4. Any Class Member who wishes to opt out of the Class must send a written Opt-Out Request to the Class Counsel, postage prepaid, to the address provided in the Mailed Notice. Any such Opt-Out Request must be postmarked, faxed, or sent via email no later than sixty (60) days after the date the Notice is mailed by Plaintiff's Counsel ("Notice Date"). To be valid, the

Opt-Out Request must: (i) identify the case name; (ii) identify the name and address of the person who is opting out; (iii) be personally signed by the person who is opting out; and (iv) contain a statement that indicates a desire to be excluded from the Class, such as "I hereby request that I be excluded from the proposed Class in the action of *McMullen v. Synchrony Bank, et al.*" Persons in the Class who do not timely and properly submit an Opt-Out Request in compliance with this Order will be deemed to be Class Members for all purposes of this Action and will be bound by the final judgment in this case.

5. Plaintiff Valerie McMullen is designated as the representative of the Class.

6. Pursuant to Fed. R. Civ. P. 23(g), the law firms of Regan Zambri Long PLLC and Klaproth Law PLLC are hereby designated as Class Counsel. The Court finds that Regan Zambri Long PLLC, and Klaproth Law PLLC have: (1) undertaken significant work in identifying and investigating the claims in this action; (2) sufficiently established their experience in handling class actions, other complex litigation, and the types of claims asserted in this action; (3) demonstrated their knowledge of the law and obligations in this case, as evidenced by their prosecution of the case to date, as well as their overall professionalism and competency throughout the litigation; and (4) shown their willingness, and ability, to commit the necessary resources to representing the Class.

AUTHORIZATION OF NOTICE

7. The Court finds that the class Notice set forth as Exhibit 1 to Plaintiff's Motion is the best practicable notice under the circumstances and is reasonably calculated, under all the circumstances, to apprise the Class members of the pendency of this action and their right to exclude themselves from the Class. The Court further finds that the Notice is reasonable and constitutes adequate, sufficient notice to all persons entitled to receive notice, and that it meets

the requirements of due process. Class Counsel is authorized to make minor changes to the form or content of the Notice that are not materially inconsistent with this Order, such as updating the URL for the website referenced in Paragraph 9 of the Notice.

8. The Court hereby orders the One World Fitness Defendants to produce to Class Counsel a complete list of every individual who received a line of credit that was opened by Chase and/or Synchrony Bank through One World Fitness, Bullen Wellness, Washington Chiropractic, Bullen and/or Steward ("Class List"). The Class List shall be provided by the One World Fitness Defendants within thirty (30) days of this Order and shall include the last known mailing address, telephone number, and email address for each individual.

9. ~~The Court hereby further orders Synchrony to provide to Plaintiff, within thirty (30) days of this Order, a Class List as defined in the preceding paragraph.~~

10. The Court hereby further orders that should it be necessary, Plaintiff may serve a subpoena on Chase to obtain a Class List as defined in paragraph 8, pertaining to lines of credit that were opened by Chase.

11. Class Counsel shall mail and email the Notice to each member of the Class within thirty (30) days of receiving the Class List. Class counsel shall also establish a website within sixty (60) days of this Order that contains this Order, Plaintiffs' Second Amended Complaint, the One World Fitness Defendants' Answers to the Complaint, the Notice, and subsequent developments concerning the Class.

SO ORDERED.

HON. JUDGE JAMES E. BOASBERG
United States District Judge