

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

SHERI DODGE and NEIL DODGE,  
and RAM AGRAWAL and SARITA  
AGRAWAL, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

PHH CORPORATION, a Maryland  
corporation; REALOGY HOLDINGS  
CORP., a Delaware corporation; PHH  
MORTGAGE CORPORATION, a  
New Jersey corporation; PHH HOME  
LOANS LLC, a Delaware limited  
liability company; RMR  
FINANCIAL, LLC, a California  
limited liability company; NE  
MOVES MORTGAGE LLC, a  
Massachusetts limited liability  
company; PHH BROKER PARTNER  
CORPORATION, a Maryland  
corporation; REALOGY GROUP  
LLC, a Delaware limited liability  
company; REALOGY  
INTERMEDIATE HOLDINGS LLC,  
a Delaware limited liability company;  
TITLE RESOURCE GROUP LLC, a  
Delaware limited liability company;  
WEST COAST ESCROW  
COMPANY, a California corporation;  
TRG SERVICES ESCROW, INC., a  
Delaware corporation; EQUITY  
TITLE COMPANY, a California  
corporation; NRT LLC, a Delaware  
limited liability company; REALOGY  
SERVICES GROUP LLC, a Delaware  
limited liability company; REALOGY  
SERVICES VENTURE PARTNER  
LLC, a Delaware limited liability  
company,

Defendants.

Case No. 8:15-CV-01973-FMO-AFM

**[PROPOSED] ORDER**  
**PRELIMINARILY**  
**APPROVING SETTLEMENT**

**[PROPOSED] ORDER PRELIMINARILY APPROVING SETTLEMENT**

**WHEREAS**, Plaintiffs in the above-described class action (“Action”) have applied for an order, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, regarding certain matters in connection with a proposed settlement of the Action, in accordance with a Stipulation of Settlement (the “Stipulation” or “Settlement”) entered into by the Parties as of August 25, 2017 (which, together with its exhibits, is incorporated herein by reference) and dismissing the Action upon the terms and conditions set forth in the Stipulation;

**WHEREAS**, all defined terms used in this Order have the same meanings as set forth in the Stipulation;

**NOW, THEREFORE**, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, upon the agreement of the Parties, and after consideration of the Stipulation and its exhibits,

**IT IS HEREBY ORDERED** that:

1. The representations, agreements, terms, and conditions of the Settlement, as embodied in the Stipulation and the exhibits attached thereto, are preliminarily approved pending a final hearing on the Settlement as provided herein.

2. For purposes of the Settlement only, the Court finds and determines that the Action may proceed as a class action pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure, on behalf of a class consisting of borrowers who, on or after November 25, 2014 and on or before November 25, 2015 (“Class Period”), closed on any mortgage loan originated by PHH Corporation, PHH Mortgage Corporation, PHH Home Loans, LLC, or their affiliates (including loans where PHH Mortgage Corporation provided origination services on behalf of any of the PLS Partners), and paid title-, escrow-, or closing-related charges in connection with that mortgage loan to Title Resource Group

1 LLC or its affiliates, excluding any borrower who submits a valid and timely  
2 Request For Exclusion pursuant to the Notice required by this Order (the “Class”).

3 3. Also for purposes of the Settlement only, the Court finds and  
4 determines, pursuant to Rule 23(a) of the Federal Rules of Civil Procedure, that  
5 Neil Dodge, Sheri Dodge, Ram Agrawal, and Sarita Agrawal (“Class  
6 Representatives”) will fairly and adequately represent the interests of the Class in  
7 enforcing their rights in the Action, and appoints them as Class Representatives.

8 4. For purposes of the Settlement, the Court appoints Daniel S.  
9 Robinson, Robinson Calcagnie, Inc., and Evan C. Borges, Greenberg Gross LLP,  
10 as Class Counsel to act on behalf of the Class and the Class Representatives with  
11 respect to the Settlement. The Court authorizes Class Counsel to enter into the  
12 Stipulation on behalf of the Class Representatives and the Class, and to bind them  
13 all to the duties and obligations contained therein, subject to final approval by the  
14 Court of the Settlement.

15 5. The firm of KCC, LLC is appointed as Claims Administrator to  
16 administer the notice procedure and the processing of claims, under the supervision  
17 of Class Counsel.

18 6. Having reviewed the proposed form of Notice of Class Action  
19 Determination, Proposed Settlement, and Hearing Thereon (“Notice”), the  
20 proposed form of Proof of Claim and Release (“Claim Form”), and the proposed  
21 Request For Exclusion submitted by the Parties as Exhibits A-1, A-2, and A-3 to  
22 the Stipulation, respectively, the Court approves, as to form and content, such  
23 Notice, Claim Form, and Request For Exclusion.

24 7. The Court directs that the Claims Administrator cause a copy of the  
25 Notice to be mailed to all members of the Class who can be identified by  
26 Defendants through their records. The mailing is to be made by first class United  
27 States mail, postage prepaid, within fourteen (14) calendar days of entry of this  
28 Order. Contemporaneously with the mailing, the Claims Administrator shall cause

1 copies of the Stipulation, Notice, Claim Form, and Request For Exclusion, in  
2 forms available for download, to be posted on a website developed for the  
3 Settlement.

4 8. The Court finds and determines that (a) mailing of the Notice, and  
5 (b) provision of the Claim Form and Request For Exclusion on the website for the  
6 Settlement, all pursuant to this Order, constitute the best notice practicable under  
7 the circumstances, constitute due and sufficient notice of the matters set forth in the  
8 notices to all persons entitled to receive such notices, and fully satisfies the  
9 requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, and  
10 all other applicable law and rules.

11 9. Any person falling within the definition of the Class may, upon  
12 request, be excluded or “opt out” from the Class. Any such person who desires to  
13 request exclusion from the Class must submit a fully-completed and executed  
14 Request For Exclusion. Such Request For Exclusion must be mailed to the Claims  
15 Administrator such that it is postmarked at least twenty-one (21) calendar days  
16 prior to the Fairness Hearing. All persons and entities who submit valid and timely  
17 Requests For Exclusion as set forth in this Order and the Notice shall have no  
18 rights under the Settlement, shall not share in the distribution of the Settlement  
19 Fund, and shall not be bound by the Settlement or any final judgment entered in  
20 this Action.

21 10. A hearing will be held by this Court in the Courtroom of The  
22 Honorable Fernando M. Olguin, United States District Court for the Central  
23 District of California, 350 W. 1st Street, 6th Floor, Courtroom 6D, Los Angeles,  
24 California 90012 at \_\_\_\_\_.m. on \_\_\_\_\_, 2017 (“Fairness  
25 Hearing”), to determine: (a) whether the Settlement should be approved as fair,  
26 reasonable, and adequate to the Class; (b) whether the Final Judgment Order  
27 should be entered in substance materially the same as Exhibit B to the Stipulation;  
28 (c) whether the proposed Plan Of Distribution submitted as Exhibit A-4 to the

1 Stipulation (“Plan Of Distribution”) should be approved as fair, reasonable, and  
2 adequate to the Class; (d) whether to approve the application of Class Counsel for  
3 an award of attorneys’ fees, Litigation Expenses and Class Representative service  
4 awards (“Fee and Expense Application”); and (e) any other matters that may  
5 properly be brought before the Court in connection with the Settlement. The  
6 Fairness Hearing is subject to continuation or adjournment by the Court without  
7 further notice to the Class. The Court may approve the Settlement with such  
8 modifications as the Parties may agree to, if appropriate, without further notice to  
9 the Class.

10 11. At least seven (7) calendar days prior to the Fairness Hearing, Class  
11 Counsel shall cause an affidavit or declaration to be filed with the Court certifying  
12 that the Notice has been provided, as directed in ¶¶6 and 7 of this Order.

13 12. Any Class Member may enter an appearance in the Action, at their  
14 own expense, individually or through counsel of their own choice. If a Class  
15 Member does not enter an appearance, they will be represented by Class Counsel.

16 13. Any Class Member who wishes to object to the Settlement, the Plan  
17 Of Distribution, and/or the Fee and Expense Application, or to appear at the  
18 Fairness Hearing and show cause, if any, why the Settlement should not be  
19 approved as fair, reasonable, and adequate to the Class, why a final judgment  
20 should not be entered thereon, why the Plan Of Distribution should not be  
21 approved, or why the Fee and Expense Application should not be granted, may do  
22 so, but must proceed as set forth in this paragraph. No Class Member or other  
23 person will be heard on such matters unless they have submitted the objection,  
24 together with any briefs, papers, statements, or other materials the Class Member  
25 or other person wishes the Court to consider, at least twenty-one (21) calendar days  
26 prior to the Fairness Hearing as set forth in the Notice. Any objection: (a) must  
27 state the name, address and telephone number of the person objecting and, if not  
28 filed by counsel, be signed by the objector; (b) must contain the specific reasons

1 for each objection, including any legal and evidentiary support that the Class  
2 Member wishes to bring to the Court's attention; and (c) must include documents  
3 sufficient to prove membership in the Class. An objecting Class Member who  
4 intends to appear in person at the Fairness Hearing must include a statement in  
5 their objection indicating their intention to appear at the Fairness Hearing.

6 14. Any Class Member who does not make their objections in the manner  
7 and by the date set forth in ¶13 of this Order shall be deemed to have waived any  
8 objections, and shall be forever barred from raising such objections in this or any  
9 other action or proceeding, absent further order of the Court.

10 15. All Class Members who are Authorized Claimants shall be entitled to  
11 share in the Settlement Fund. Authorized Claimants shall be determined in the first  
12 instance from Defendants' records. Any other Class Member who believes they  
13 are an Authorized Claimant and who wishes to share in the Settlement Fund must  
14 complete and submit a Claim Form in accordance with the instructions set forth in  
15 this paragraph. Such Class Member must: (a) fully complete and sign the Claim  
16 Form without material deletions or modifications of any printed text, and under  
17 penalty of perjury; (b) append to the Claim Form adequate supporting  
18 documentation for the transactions reported on the Claim Form, in the form of a  
19 HUD-1 Settlement Statement, Closing Disclosure form, or comparable  
20 document(s) containing the transactional information found in a HUD-1 Settlement  
21 Statement or Closing Disclosure form; (c) if the person executing the Claim Form  
22 is acting in a representative capacity, append a certification of his or her current  
23 authority to act on behalf of the Class Member; and (d) submit the Claim Form to  
24 the Claims Administrator so that it is postmarked, or submitted electronically, no  
25 later than ninety (90) calendar days from the date Notice was mailed. Any Class  
26 Member who has not been identified as an Authorized Claimant from Defendants'  
27 records, and who does not submit a timely Claim Form in accordance with these  
28 instructions shall be barred from sharing in the distribution of the Settlement Fund,

1 but shall nevertheless be bound by any final judgment entered by the Court. The  
2 Claims Administrator, in consultation with Class Counsel and Defendants' counsel,  
3 shall have the discretion, but not the obligation, to accept late-submitted claims for  
4 processing by the Claims Administrator, so long as distribution of the Net  
5 Settlement Fund to Authorized Claimants is not materially delayed thereby. No  
6 person shall have any claim against the Claims Administrator, Class Counsel, or  
7 Defendants' counsel, by reason of the decision to exercise discretion whether to  
8 accept late-submitted claims.

9 16. Upon the entry of the Court's order for final judgment after the  
10 Fairness Hearing, the Class Representatives and all Class Members, whether or not  
11 they have filed a Claim Form within the time provided, shall be permanently  
12 enjoined and barred from asserting any claims (except through the Claim Form  
13 procedures) against Defendants and Defendants' Releasees arising from Released  
14 Plaintiffs' Claims, and the Class Representatives and all Class Members  
15 conclusively shall be deemed to have fully, finally, and forever released any and all  
16 such Released Plaintiffs' Claims.

17 17. Upon the Effective Date of the final judgment contemplated by  
18 ¶IV(C) of the Stipulation, only persons who are Class Members shall have rights in  
19 the distribution of the Settlement Fund created by the Settlement, except as  
20 provided in the Stipulation.

21 18. All funds held by the Escrow Agent shall be deemed and considered  
22 to be *in custodia legis* of the Court, and shall remain subject to the jurisdiction of  
23 the Court until such time as the funds are distributed pursuant to the Stipulation or  
24 further order of the Court.

25 19. All opening briefs and supporting documents in support of a request  
26 for final approval of the Settlement, the Plan Of Distribution, and the Fee and  
27 Expense Application, must be filed and served at least thirty-five (35) calendar  
28



1 days prior to the Fairness Hearing. Any reply papers must be filed and served no  
2 later than seven (7) calendar days prior to the Fairness Hearing.

3 20. The Court reserves the right to adjourn or continue the Fairness  
4 Hearing, and any adjournment or continuance may be without further notice of any  
5 kind to the Class, other than oral announcement at the Fairness Hearing or at any  
6 later hearing.

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8 Date: \_\_\_\_\_, 2017.

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11 Fernando M. Olguin  
12 United States District Judge  
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