

**IN THE SUPERIOR COURT OF WHITE COUNTY
STATE OF GEORGIA**

ANN JONES, individually)
and on behalf of a class of)
similarly situated persons as defined)
herein,)

Plaintiff,)

CASE NO.: SUCV2022000234

AUTO-OWNERS INSURANCE)
COMPANY; OWNERS INSURANCE)
COMPANY; HOME-OWNERS)
INSURANCE COMPANY,)

Defendants.)

**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AND
CERTIFYING THE SETTLEMENT CLASS**

This matter comes before the Court on Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement. Plaintiff Ann Jones and Defendants Owners Insurance Company, Auto-Owners Insurance Company, Home-Owners Insurance Company (collectively “Parties”) have agreed to settle this action under the terms and conditions set forth in the Settlement Agreement (“Settlement”), which was which was executed between the Parties. The Parties reached the Settlement through arm’s-length negotiations with the assistance of a mediator, Greg Parent of Miles Mediation and Arbitration. Pursuant to the Settlement, subject to the terms and conditions therein and subject to Court approval, Plaintiff and the proposed Settlement Class will fully, finally, and forever resolve, discharge, and release their claims.

The Settlement has been filed with the Court, and Plaintiff and Class Counsel have filed an Unopposed Motion for Preliminary Approval of Class Settlement. Upon considering the

Motion, the Settlement and all exhibits thereto, the record in these proceedings, the representations and recommendations of counsel, and the requirements of law, the Court finds that: (1) this Court currently has jurisdiction over the subject matter and the Parties to this Action; (2) the proposed Settlement Class meets the requirements of O.C.G.A. § 9-11-23 and should be certified for settlement purposes only; (3) the persons and entities identified below should be appointed the Class Representative and Class Counsel; (4) the Settlement is the result of informed, good-faith, arm's-length negotiations between the Parties and their capable and experienced counsel, and is not the result of collusion; (5) the Settlement is within the range of reasonableness and should be preliminarily approved; (6) the proposed Notice program and proposed forms of Notice satisfy O.C.G.A. § 9-11-23 and constitutional due process requirements, and are reasonably calculated under the circumstances to apprise the Settlement Class of the pendency of the Action, class certification, the terms of the Settlement, Class Counsel's application for an award of attorneys' fees and expenses ("Fee Application"), and their rights to opt-out of the Settlement Class or object to the Settlement and/or Class Counsel's Fee Application; (7) good cause exists to schedule and conduct a Final Approval Hearing, pursuant to O.C.G.A. § 9-11-23, to assist the Court in determining whether to grant Final Approval of the Settlement and enter the Final Approval Order, and whether to grant Class Counsel's Fee Application; and (8) the other related matters pertinent to the Preliminary Approval of the Settlement should also be approved.

Based on the foregoing, IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. As used in this Preliminary Approval Order, unless otherwise noted, capitalized terms shall have the definitions and meanings accorded to them in the Settlement.
2. The Court currently has jurisdiction over the subject matter and Parties to this proceeding.

3. Venue is proper in this Court.

Provisional Class Certification and Appointment of the Class Representative and Class Counsel

1. In considering whether to provisionally certify a settlement, a court must consider the same factors that it would consider in connection with a proposed litigation class—*i.e.* all O.C.G.A. § 9-11-23(a) factors and at least one of the requirements under O.C.G.A. § 9-11-23(b) must be satisfied—except that the court need not consider the manageability of a potential trial, since the settlement if approved, would obviate the need for a trial. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 620 (1997).

2. The Court finds, for settlement purposes, that the O.C.G.A. § 9-11-23 factors are present, and thus certification of the proposed Settlement Class is appropriate. The Court, therefore, certifies the following Settlement Class:

All Georgia citizens residing in the State of Georgia who were: (1) insured under an auto policy issued by Defendants, (2) submitted a claim to Defendants that was accepted and paid by Defendants as a total loss from January 1, 2020 through August 2, 2022, and (3) did not or potentially did not receive a payment of at least 6.6% of the agreed-upon actual cash value of the loss vehicle as the title ad valorem tax on that claim.

Excluded from the Settlement Class are: (1) any in-house or outside counsel for Defendants and the immediate family members of such persons; (2) employees of Defendants; (3) any members of the judiciary assigned to the Action and their staff; and (4) the Parties' counsel in the Action.

3. The Court specifically determines that, for settlement purposes, the Settlement Class meets all the requirements of O.C.G.A. § 9-11-23(a) and O.C.G.A. § 9-11-23(b)(3), namely that the Settlement Class is so numerous that joinder of all members is impractical; that there are

common issues of law and fact; that the claims of the class representative are typical of absent class members; that the class representative will fairly and adequately protect the interests of the Settlement Class, as they have no interests antagonistic to or in conflict with the Settlement Class and have retained experienced and competent counsel to prosecute this Action; that questions of law or fact common to the members of the Settlement Class predominate over questions affecting only individual members; and that a class action is superior to other methods available for the fair and efficient adjudication of the Action.

4. The Court appoints Named Plaintiff Ann Jones as class representative.

5. The Court appoints Irby Law, LLC; Lober & Dobson; and The Law Office of Todd L. Lord as Class Counsel.

6. The Court recognizes that Owners reserves all of its defenses and objections against and rights to oppose any request for class certification in the event that the proposed Settlement does not become Final for any reason. Owners also reserves its defenses to the merits of the claims asserted in the event the Settlement does not become Final for any reason.

Preliminary Approval of the Settlement

7. The Court preliminarily approves the Settlement, together with all exhibits thereto, as fair, reasonable, and adequate. The Court finds that the Settlement was reached in the absence of collusion, is the product of informed, good-faith, arm's-length negotiations between the Parties and their capable and experienced counsel. The Court further finds that the Settlement, including the exhibits thereto, is within the range of reasonableness and possible judicial approval, such that: (a) a presumption of fairness is appropriate for the purposes of preliminary settlement approval; and (b) it is appropriate to effectuate notice to the Settlement Class, as set forth below and in the

Settlement, and schedule a Final Approval Hearing to assist the Court in determining whether to grant Final Approval to the Settlement and enter a Final Approval Order.

Approval of Class Notice and the Claims Process

8. The Court approves the form and content of the Class notices, substantially in the forms attached to the Settlement, as well as the Claim Form attached thereto. The Court further finds that the Class Notice program described in the Settlement is the best practicable under the circumstances. The Class Notice program is reasonably calculated under the circumstances to inform the Settlement Class of the pendency of the Action, certification of a Settlement Class, the terms of the Settlement, Class Counsel's attorney's fees application, and their rights to opt-out of the Settlement Class or object to the Settlement. The Class Notices and Class Notice program constitute sufficient notice to all persons entitled to notice. The Class Notices and Class Notice program satisfy all applicable requirements of law, including, but not limited to, O.C.G.A. § 9-11-23 and the constitutional requirement of Due Process.

9. Atticus Administration, LLC shall serve as the Settlement Administrator.

10. The Settlement Administrator shall implement the Class Notice program, as set forth below and in the Settlement, using the Class notices substantially in the forms attached to the Settlement and approved by this Preliminary Approval Order. Notice shall be provided to the members of the Settlement Class pursuant to the Class Notice program, as specified in the Settlement and approved by this Preliminary Approval Order.

11. The Settlement Administrator shall administer Class Notice and Settlement Notice as set forth in the Settlement. As set forth in the Settlement Agreement, the Notice Date shall be no later than fourteen (14) days following the entry of this Preliminary Approval Order.

12. Prior to the Notice Date, the Settlement Administrator shall establish a Settlement Website as a means for Settlement Class members to obtain notice of, and information about, the Settlement. The Settlement Website shall include an online portal to file claims, hyperlinks to the Settlement, the Long-Form Settlement Notice, the Preliminary Approval Order, and other such documents as Class Counsel and counsel for Defendant agree to include.

13. The Settlement Administrator is directed to perform all substantive responsibilities with respect to effectuating the Class Notice program, as set forth in the Settlement.

Final Approval Hearing, Opt-Outs, and Objections

14. A Final Approval Hearing shall be held before this Court on December 8, 2023 at 9:00 am EST to determine whether to grant Final Approval to the Settlement and to enter a Final Approval Order and whether Class Counsel's Fee Application should be granted.

15. Any person within the Settlement Class who wishes to be excluded from the Settlement Class may exercise their right to opt-out of the Settlement Class by following the opt-out procedures set forth in the Settlement and in the Notices at any time during the Opt-Out Period. To be valid and timely, opt-out requests must be completed in accordance with the Settlement and Notice, mailed, and postmarked no later than 30 days after the Notice Date.

16. Settlement Class Members who do not request exclusion from the Settlement Class may object to the Settlement. Settlement. Class Members who choose to object to the Settlement must mail to the Settlement Administrator and file with the Court written notices of intent to object.

17. To be timely, any objection or motion to intervene must be postmarked and mailed to the Settlement Administrator, and filed with the Court, no later than forty-five (45) days after the Preliminary Approval Order.

18. To be effective, a notice of intent to object to the Settlement must include:

- a. a caption or title that identifies it as “Objection to Class Settlement in “Jones v. Owners Insurance Company, Case No. SUCV2022000234”;
- b. the full name, signature, home address and telephone number, or other information sufficient to identify the Settlement Class Member;
- c. a notice of intention to appear, either in person or through an attorney, with the name, address, and telephone number of the attorney, if any, who will appear;
- d. a certification that the objecting party is a member of the Settlement Class;
- e. a statement of each objection asserted;
- f. a detailed description of the basis and facts underlying and supporting each objection;
- g. a detailed description of the legal authorities, if any, underlying and supporting each objection;
- h. copies of exhibits and/or affidavits, if any, to be offered in support of the objection or during the Final Approval Hearing;
- i. a list of all witnesses, if any, the objecting party may call to testify at the hearing, along with the address for each witness and a summary of each witness’s anticipated testimony;
- j. the signature, full name, firm name, and business address of all attorneys who have a financial interest in the objection;
- k. the objecting party’s policy number(s) (last four digits) for his or her Georgia automobile policies with Defendants or other documentary proof of membership in the Settlement Class; and

1. disclosure of any other class action settlements to which the objecting party or his or her agents or representatives, successors or predecessors have objected, including disclosing the number of times the objecting party has objected to a class action settlement within the preceding five years, the caption of each case, the counsel representing the objecting party in each prior objection, and a copy of any orders related to any prior objections.

19. Any Settlement Class Member who does not file a timely notice of intent to object waives the right to object or to be heard at the Final Approval Hearing and shall be barred from making any objection to the Settlement.

Further Papers in Support of Settlement and Attorneys' Fee Application

20. No later than ten (10) days prior to the Objection Deadline, Plaintiff and Class Counsel shall file their Application for an Award of Attorneys' Fees and Expenses and proposed orders.

21. No later than seven (7) days prior to the Final Approval Hearing, Plaintiff and Class Counsel shall file their Motion for Final Approval of the Settlement and proposed orders.

22. No later than seven (7) days prior to the Final Approval Hearing, Plaintiff and Class Counsel shall file their responses to timely filed objections to both the Settlement and the Application for an Award of Attorneys' Fees and Expenses.

Effect of Failure to Approve Settlement

23. If the Settlement is not finally approved by the Court, or for any reason the Parties fail to obtain a Final Approval Order as contemplated in the Settlement, or the Settlement is terminated pursuant to its terms for any reason, then the following shall apply:

- a. All orders and findings entered in connection with the Settlement shall become null and void and have no further force and effect, shall not be used or referred to for any purpose whatsoever, and shall not be admissible or discoverable in any other proceeding;
- b. Nothing in this Preliminary Approval Order is, or may be construed as, any admission or concession by or against Defendant or Plaintiff on any point of fact or law; and
- c. Neither the Settlement terms, any documents exchanged or disclosed by the Parties to each other for settlement purposes, nor any publicly disseminated information regarding the Settlement, including, without limitation, the Class Notice, court filings, orders and public statements, may be used as evidence or otherwise referenced or referred to in any future proceeding. In addition, neither the fact of, nor any documents relating to, the withdrawal of the Settlement, any failure of the Court to approve the Settlement and/or any objections or interventions, may be used as evidence.

Stay/Bar of Other Proceedings

24. All proceedings in the Action are stayed until further order of the Court, except as may be necessary to implement the terms of the Settlement. Pending final determination of whether the Settlement should be approved, Plaintiff, all persons in the Settlement Class, and persons purporting to act on their behalf (including any attorneys) are enjoined from threatening, commencing or prosecuting (either directly, representatively or in any other capacity) against any of the Released Parties any action or proceeding in any court, arbitration forum or tribunal asserting any of the Released Claims.

25. Based on the foregoing, the Court sets the following schedule for the Final Approval Hearing and the actions which must take place before and after it:

Event	Date
Notice Date	14 days following Preliminary Approval
Objection Deadline and Opt-Out Deadline	30 days following Notice Date
Deadline for Filing Fee Award	10 days before Objection Deadline
Deadline for Motion for Final Approval	7 days before Final Approval Hearing
Deadline for Responses to Objections	7 days before Final Approval Hearing
Final Approval Hearing	December 8, 2023 at 9:00 am EST

SO ORDERED. This 5th day of October, 2023.



Chief Judge Joy R. Parks
Superior Court of White County
Enotah Judicial Circuit