

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

RONDA MERCER,

Plaintiff,

v.

Case No: 6:17-cv-692-WWB-EJK

FDS BANK and DEPARTMENT
STORES NATIONAL BANK,

Defendants/Third
Party Plaintiff,

RONDA MERCER,

Third Party

Defendant.

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ORDER

THIS CAUSE is before the Court on the parties' Renewed Joint Motion for Preliminary Approval of Class Action Settlement (Doc. 280). United States Magistrate Judge Embry J. Kidd issued a Report and Recommendation (Doc. 281), in which he recommends that the Motion be granted.

After a de novo review of the record, and noting that no objections were timely filed, the Court agrees entirely with the analysis in the Report and Recommendation.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The July 20, 2021 Report and Recommendation (Doc. 281) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The September 2, 2020 Report and Recommendation (Doc. 268) is **ADOPTED in part** and made a part of this Order to the extent consistent

with that stated in the July 20, 2021 Report and Recommendation and this Order.

3. The parties' Renewed Joint Motion for Preliminary Approval of Class Action Settlement (Doc. 280) is **GRANTED**.
4. The Court hereby certifies a class pursuant to Rule 23 consisting of the following:


All persons in the United States to whose cellular telephone number Defendants, or their agents or affiliates, placed a call for debt collection purposes at any time on or after July 22, 2015, and through January 31, 2020, in connection with a Macy's and/or Bloomindale's credit card account, using an artificial or prerecorded voice and/or using substantially the same systems that were used to call Plaintiff's cellular telephone number, where the phone number called belonged to the owner or customary user of that cellphone who did not provide the number to Defendants and/or is not a person who had consented to receiving calls at that cellular telephone number.

However, the above class excludes any and all judicial officers presiding over this litigation as well as their staff and immediate family members; Defendants and their officers and directors; and any class member that timely and validly requests exclusion from this class.

5. The parties' Class Action Settlement Agreement and Release (Doc. 280-1), including the Notice of Class Action Lawsuit and Proposed Settlement, is **APPROVED**.
6. The Final Approval Schedule as set forth in the July 20, 2021 Report and Recommendation is incorporated into and made a part of this Order.
7. This matter is set for a final fairness hearing on **June 13, 2022**, at 10:00 a.m. in Courtroom 3B at the United States Courthouse located at 401 West Central Boulevard, Orlando, Florida.

8. The stay of this litigation is extended pending final approval of the parties' settlement.

DONE AND ORDERED in Orlando, Florida on August 31, 2021.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record