

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

MARVEL MARTINEZ, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

AVANTUS, LLC, and Xactus, LLC, d/b/a  
Avantus, as successor in interest to certain assets  
of Avantus, LLC,

Defendants.

**Civil Action No. 3:20-cv-1772-JCH**

**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT**

The Court, having reviewed the Agreement entered into by the Parties, hereby orders that:

1. The Court has considered the proposed Settlement of the Class Claims asserted by the Class of persons certified by the Class Certification Order entered January 5, 2023 (ECF 84), and modified as follows to reflect a firm end date:

All persons residing in the United States and its Territories about whom Defendants sold a consumer report to a third party that included any OFAC record where there is not a match between the date of birth, address, or social security number of the subject of the report and the corresponding person on the SDN list—using its proprietary UltraAMPS OFAC product, during the period beginning July 6, 2020 and ending February 28, 2023.

2. By the Class Certification Order, the Court has already ruled that the prerequisites to a class action under Fed. R. Civ. P. 23(b)(a) and (b)(3) have been satisfied, including as to the modified class definition.

3. The Agreement entered into between the Plaintiff Marvel Martinez and Defendants Avantus, LLC and Xactus, LLC d/b/a Avantus as successor in interest to certain assets of Avantus, LLC, appears, upon preliminary review, to be fair, reasonable, and adequate to the Class. Accordingly, the Settlement is preliminarily approved, pending a Final Approval Hearing as provided for herein.

4. The Court has appointed Plaintiff Marvel Martinez as Class Representative and the law firms of Francis Mailman Soumilas, P.C. as Class Counsel.

5. The Court appoints Continental DataLogix, LLC as Settlement Administrator.

6. The Court will hold a Final Approval Hearing pursuant to Fed. R. Civ. P. 23(e) on February 27, 2024, 2024 in the United States District Court, Courtroom 1, 141 Church Street, New Haven, CT 06510 at 11:00 am .m. for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable and adequate and should be granted Final Approval by the Court;
- b. To determine whether a Final Judgment should be entered dismissing the claims of the Class, with prejudice;
- c. To consider the Fee Petition by Class Counsel for an award of attorneys' fees and expenses;
- d. To consider the request for a Service Award to the Class Representative; and
- e. To rule upon other such matters as the Court may deem appropriate.

7. Within ten (10) business days of the entry of this Preliminary Approval Order, Defendants shall transfer the sum of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) to the Settlement Administrator to create the Settlement Fund.

8. Upon entry of this Preliminary Approval Order, the Settlement Administrator shall proceed with the Settlement Notice Plan. The Court finds that the Settlement Notice Plan set forth in the Agreement fully satisfies the requirements of Fed. R. Civ. P. 23 and the due process guarantees of the U.S. Constitution, constitutes the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

9. A Class Member may submit a Request for Exclusion from the Settlement.

a. To make a valid Request for Exclusion, the Class Member must submit a written request to the Settlement Administrator containing:

- i. the Class Member's original handwritten signature;
- ii. the Class Member's current postal address;
- iii. a specific statement that the Class Member wishes to be excluded from the Class.

b. Requests for Exclusion must be postmarked no later than sixty (60) days after the date notice is mailed by the Settlement Administrator.

c. In no event shall persons who purport to request exclusion from the Class as a group, on an aggregate basis or as a class involving more than one Class Member, be considered valid Requests for Exclusion.

10. A Class Member may object to the Settlement.

a. To exercise this objection right, the Class Member must provide a Notice of Objection via First Class United States Mail to the Clerk of Court, Class Counsel, and Defendants' Counsel. The Notice of Objection must be postmarked no later than the Objection Deadline.

- b. For an objection to be considered by the Court, such objection shall be personally signed and state:
- i. The caption of the Litigation;
  - ii. The full name, address and telephone number of the Class Member objecting to the Settlement;
  - iii. A detailed statement of each objection asserted, including the grounds for objection and reasons for appearing and being heard, together with any documents such Class Member wishes to be considered in support of the objection;
  - iv. The identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or Fee Petition;
  - v. Any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector’s counsel and any other person or entity;
  - vi. The identity of all counsel representing the objector who will appear at the Final Approval Hearing; and,
  - vii. All relief sought.
- c. Any objector wishing to be heard at the Final Approval Hearing must, no later than ten (10) business days before that hearing, file a notice of intent to appear with the Court Clerk’s office, and must provide both Class Counsel and Defendants’ Counsel with copies of the notice of intent to appear.

- d. The right to object must be exercised individually by an individual Class Member, not as a member of a group and, except in the case of a deceased or incapacitated Class Member, not by the act of another person acting or purporting to act in a representative capacity.

11. Class Counsel shall file any Fee Petition supporting its request for attorneys' fees and costs no later than ten (10) days before the Objection Deadline.

12. All briefs, memoranda, petitions and affidavits to be filed in support of Final Approval of the Settlement and for a Service Award to the Class Representative shall be filed not later than twenty (20) days before the Final Approval Hearing.

13. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement.

Dated: November 14, 2023

BY THE COURT:

/s/ Janet C. Hall

HON. JANET C. Hall

UNITED STATES DISTRICT JUDGE