

GRANTED

"REASONS SET FORTH UPON THE RECORD"

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JEFFREY ESPINOSA and	:	SUPERIOR COURT OF NEW JERSEY
CAROLE J. DeSIMONE,	:	CAMDEN COUNTY
on behalf of themselves and all	:	LAW DIVISION
others similarly situated,	:	DOCKET NO. CAM-L-180-11
	:	
Plaintiffs,	:	CLASS ACTION
	:	
v.	:	
	:	
MAMCO PROPERTY	:	
MANAGEMENT and	:	
ASSOCIATIONS, INC.,	:	
	:	
Defendants.	:	

ORDER GRANTING PRELIMINARY, NON-BINDING APPROVAL TO PROPOSED CLASS ACTION SETTLEMENT, APPROVING FORM OF CLASS SETTLEMENT NOTICE AND NOTICE PUBLICATION PLAN, AND SCHEDULING A DATE FOR THE FORMAL PUBLIC FAIRNESS HEARING

This matter having come before the Court upon a joint motion by plaintiffs and defendants under R. 4:32-2(e) for preliminary, non-binding approval of a proposed class action settlement, court approval of a proposed form of class settlement notice and a plan of notice publication, and setting a hearing date for the formal public fairness hearing on whether to grant final approval to the proposed class settlement, and the Court having considered the joint motion papers, and for good cause shown;

IT IS HEREBY ORDERED this 28th day of September, 2012 as follows:

1. The Court grants preliminary, non-binding approval of the proposed class action

settlement;

2. This matter shall preliminarily proceed as a class action with the settlement class defined as follows with capitalized terms having the meaning set forth in the Settlement Agreement:

All persons who between January 7, 2005 and July 31, 2012 purchased, sold, or refinanced real property in New Jersey and paid either a "Processing Fee" or a "Transfer Fee" to MAMCO, when both fees were charged by MAMCO in connection with the purchase, sale, or refinance.;

3. The Court preliminarily appoints Plaintiffs Jeffrey Espinosa and Carole J. DeSimone as the named Class Representatives and preliminarily appoints Stephen DeNittis of Shabel and DeNittis P.C. as Class Counsel;

4. It is apparent from the file and presentation of counsel that, for the purposes of settlement, the proposed Settlement Class meets the requirements of New Jersey Rule of Court 4:32-1 such that Class Notice should be provided;

5. The Court approves that manner and content of the class notice specified in the Settlement Agreement and directs that within 30 days of this Order, the class settlement notice shall be sent by first class mail to the last known address of each proposed class member who currently resides in a MAMCO-managed community, as identified in defendant MAMCO's records, and published one time in the Courier Post, Star Ledger, and the Press of Atlantic City; and that the Class Notice shall be posted on Class Counsel's web site;

6. All claim forms must be submitted within 60 days of the date of this Order. Any objections to the proposed class settlement must be filed with the Clerk and served on counsel within 60 days of the date of this Order. Any requests for exclusion from the class must be served on counsel within 60 days of the date of this Order. Pursuant to R. 4:32-2(e)(C), a formal,

public fairness hearing on whether to grant final, binding approval of the proposed class action settlement shall be held on 12/14/12, 2012 (suggested date Friday, December 14, 2012) at the Camden County Courthouse, Hall of Justice, Camden, New Jersey, Courtroom 34 at 9:00am

7. Any memoranda of law or other documents in support of final approval of the proposed class settlement, copies of any objections or requests from exclusion that have been submitted to class counsel or defense counsel, and an affidavit attesting that class notice has been distributed in a manner consistent with this Order, must be submitted to the Court no later than 10 days prior to the hearing on final approval.

8. All deadlines in this case, including the trial date, the discovery deadline, and the deadline by which Defendant Associa may re-file its motion to dismiss for lack of personal jurisdiction, are stayed pending further Court order;

9. In the event that the proposed settlement as provided in the Settlement Agreement is not approved by the Court, then the Settlement Agreement, and all drafts, negotiations, discussions and documentation related thereto, and orders entered by the Court in connection therewith shall become null and void. In such event the Agreement and all negotiations and proceedings related thereto shall be withdrawn without prejudice to the rights of any and all parties thereto, who shall be restored to their respective positions as of the date of the execution of the Agreement.

SO ORDERED:

A COPY OF THIS ORDER SHALL
BE SERVED ON ALL PARTIES
WITHIN 7 DAYS FROM THE
DATE OF THIS ORDER.


Lee A. Solomon, J.S.C.