

DISTRICT COURT, ADAMS COUNTY, COLORADO 1100 Judicial Center Drive Brighton, Colorado 80601 (303)(659-1161	DATE FILED November 9, 2024 3:22 PM CASE NUMBER: 2021CV30718
<hr/> PLAINTIFF: Alexander Koch, individually and on behalf of all others similarly situated v. DEFENDANT: Griffis Group of Companies, LLC d/b/a Griffis Residential <hr/>	<div style="text-align: center;">▲ COURT USE ONLY ▲</div> <hr/> Case Number: 2021CV30718 Division: C
PROPOSED ORDER GRANTING PRELIMINARY APPROVAL	

This matter having come before the Court on Plaintiff’s Motion for Preliminary Approval of Class Action Settlement of the above-captioned matter, and the Court having considered the arguments therein and being duly advised hereby finds and orders as follows:

1. Unless defined herein, all defined terms in this order shall have the meanings ascribed to the same terms in the Settlement Agreement.

2. The Court has conducted a preliminary evaluation of the settlement set forth in the Settlement Agreement. Based on this preliminary evaluation, the Court finds, for settlement purposes only, that the Settlement Class meets all applicable requirements of Rule 23 of the Colorado Rules of Civil Procedure, including that the Settlement Class is sufficiently numerous, that there are questions of law and fact common to members of the Settlement Class that predominate, that the Class Representative fairly and adequately protects the interest of the

Settlement Class, and that class treatment is an appropriate method for the fair and efficient adjudication of the Action.

3. The Court further preliminarily finds common issues of law and fact predominate insofar as Plaintiff's and the proposed Settlement Class's claims are based on the same common contention and alleged conduct by Defendant.

4. The Court also preliminarily finds that Plaintiff's interests are representative of and consistent with the interests of the proposed Settlement Class and that Plaintiff has demonstrated that he can, has and will continue to fairly and adequately represent the class.

5. The Court likewise preliminarily finds that Class Counsel will fairly and adequately protect the interests of Settlement Class Members.

6. The Court preliminarily finds that a class action is the most appropriate way to fairly and efficiently resolve the claims at issue, as it allows the Court to swiftly evaluate common issues, generating a uniform result that will apply to all similarly-situated persons.

7. The Court, for settlement purposes, affirms its certification of the following Classes:

For the Class claims of Breach of Contract and Breach of Implied Covenant of Good Faith based on Defendant Griffis' charging of the Notice Fee and Late Fee, the Class is defined as: "All persons in the State of Colorado who (1) from the date three years prior to the filing of the Complaint through date notice is sent to the Class; (2) leased a residence from Defendant using Defendant's Form Lease; (3) who Griffis caused to be charged the Notice Fee or the Late Fee."

For the Class claim of Breach of Contract based on Defendant Griffis' charging of an unconscionable Valet Trash Fee, the Subclass is defined as: "All persons in the State of Colorado who (1) from the date three years prior to the filing of the Complaint through date of notice is sent to the Class; (2) leased a residence from Defendant using Defendant's Form Lease; (3) who Griffis caused to be

charged the Trash Valet Fee in an amount of \$42.00 from August 2018 to April 2020 and \$30.00 from May 2020 through June 2021.”

8. All individuals who timely and properly exclude themselves from the Settlement Class are excluded.

9. The Court further finds that: (1) there is good cause to believe that the Settlement Agreement is fair, reasonable, and adequate, (2) the Settlement Agreement has been negotiated at arm’s length between experienced attorneys familiar with the legal and factual issues of this case, and (3) the Settlement warrants Notice of its material terms to the Settlement Class for their consideration and reaction. Therefore, the Court grants preliminary approval of the Settlement.

10. For settlement purposes only, the Court hereby approves the appointment of Plaintiff Koch as Class Representative and approves the appointment of Steven Woodrow and Jason Legg as Class Counsel.

11. The Court further appoints RG2 Claims as Settlement Administrator. RG2 shall be required to perform all of the duties of the Administrator as set forth in the Settlement Agreement.

12. The Court approves the proposed plan for giving Notice to the Settlement Class as set forth in the Settlement Agreement.

13. The Court hereby directs the Parties and the Settlement Administrator to disseminate the Notice to the Settlement Class no later than thirty (30) days after entry of this Order.

14. All persons who meet the definition of the Settlement Class and who wish to exclude themselves from the Settlement Class must submit their request for exclusion in writing

no later than fourteen (14) days after papers supporting Class Counsel's requested Fee Award are filed with the Court, or no later than _____, 2024. **To be addressed at the hearing on November 19, 2024.**

15. All persons who meet the definition of the Settlement Class and who wish to object to the Settlement must submit their objection in writing no later than fourteen (14) days after papers supporting the Fee Award are filed with the Court, or no later than _____, 2024. **To be addressed at the hearing on November 19, 2024.**

16. The Court will hold a Final Approval Hearing on November 19, 2024 to evaluate the fairness, adequacy, and reasonableness of the Settlement, and to determine whether final approval should be granted and whether Class Counsel's application for a Fee Award and an incentive award to the Class Representative should be granted.

17. Class Counsel shall file papers in support of their Fee Award and the Class Representative's incentive award at least 28 days prior to the Final Approval Hearing.

18. The Class Representative shall file paper in support of final approval of the Settlement Agreement, and in response to any objections, at least 7 days prior to the Final Approval Hearing.

IT IS SO ORDERED.

Dated: November 9, 2024



Hon. Sarah Elizabeth Stout