

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

**ROBERT MARTIN and KRISTIN  
ARMSTRONG,**

**Plaintiffs,**

**v.**

**Case No: 6:14-cv-1290-Orl-31KRS**

**GLOBAL MARKETING RESEARCH  
SERVICES, INC. and JOHN DOES 1-100,**

**Defendants.**

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**ORDER**

Before the Court is the Unopposed Motion for Preliminary Approval of Class Action Settlement (Doc. 97) (henceforth, the “Motion”) filed by the Plaintiffs, Robert Martin and Kristin Armstrong. The Motion requests that the Court enter an order: (1) granting preliminary approval to the class action settlement agreement (Doc. 97-1) (henceforth, the “Settlement Agreement”) reached in this matter, (2) conditionally certifying the settlement class, authorizing notice to be sent to the members of the class pursuant to the plan described in the motion, (3) appointing class counsel and the class representatives, (4) entering a schedule of dates for settlement class members to object, request exclusion, and file claims, and (5) scheduling a final approval hearing. (Doc. 97 at 1).

Having reviewed and considered the Settlement Agreement, the Motion, and the Declaration of Steven L. Woodrow (Doc. 97-2) accompanying it, and good cause appearing, the Court makes the findings and grants the relief set forth below, preliminarily approving the settlement contained in the Settlement Agreement upon the terms and conditions set forth in this

order. Terms and phrases in this order shall have the same meaning as defined in the Settlement Agreement.

**NOW, THEREFORE IT IS HEREBY ORDERED:**

1. Preliminary Approval of Proposed Settlement. The Settlement Agreement, including the exhibits attached thereto, is preliminarily approved as fair, reasonable, adequate, and within the range of reasonableness for preliminary settlement approval. The Court preliminarily finds that the Settlement Agreement resulted from extensive arm's length negotiations, and is sufficient to warrant notice of the Settlement to persons in the Settlement Class and a full hearing on the approval of the Settlement.

2. Class Certification for Settlement Purposes Only. The parties seek certification of one settlement class based on Rule 23(b)(3) of the Federal Rules of Civil Procedure. Pursuant to Rule 23(c), the court conditionally certifies, for settlement purposes only, the following Settlement Class:

All Persons in the United States or its territories who received a call successfully placed by or on behalf of Global Marketing Research Services, Inc. ("GMRS") to that Person's cellular telephone, through the use by GMRS of an ATDS, at any time from August 11, 2010 through December 31, 2014, consisting of approximately 688,650 Persons where the Person upon answering such call either: (a) participated in a GMRS survey, (b) declined to participate at the time of the first such call without objection to be called back at a later time, or, (c) upon answering such call directed never to be called by GMRS again.

In connection with this conditional certification, the Court makes the following preliminary findings for settlement purposes only:

A. The Settlement Class of approximately 688,650 members appears to be so numerous that joinder of all members is impracticable;

B. There appear to be questions of law or fact common to the Settlement Class for purposes of determining whether this Settlement should be approved;

C. The proposed Class Representatives' claims appear to be typical of the claims being resolved through the proposed settlement;

D. The proposed Class Representatives and proposed Class Counsel appear to be capable of fairly and adequately protecting the interests of the Settlement Class Members in connection with the proposed settlement;

E. GMRS appears to have acted on grounds generally applicable to the Settlement Class and therefore certification under Rule 23(b)(2) appears to be appropriate;

F. In addition, common questions of law and fact appear to predominate over questions affecting only individual persons in the Settlement Class, and certification of the Settlement Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Settlement Classes. Accordingly, certification under Rule 23(b)(3) also appears to be appropriate.

3. Class Counsel. Based on the considerations in Rule 23(g), the Court appoints Steven Woodrow and Patrick Peluso of Woodrow & Peluso, LLC and Stefan Coleman of the Law Offices of Stefan Coleman, LLC as Class Counsel.

4. Class Representatives. Based on the findings above, the Court appoints Plaintiffs Robert Martin, Kristin Armstrong, Nicole Zilveti, and Alicia Thompson as Class Representatives for the Settlement Class.

5. Class Notice. The parties' Notice is approved for distribution in accordance with the following schedule:

<b>Action</b>	<b>Deadline</b>
1. Website Notice Posted by Settlement Administrator	Within ten (10) days after entry of Preliminary Approval Order (“PAO”).
2. Deadline for mailing out direct mail notice	Thirty (30) days following entry of the PAO
3. Deadline for Class Counsel to File Motion for Attorneys’ Fees and to Post Brief on Settlement Website	Forty-five (45) days prior to the Final Approval Hearing
4. Deadline for GMRS to file Objections to the Motion for Attorneys’ Fees	Thirty (30) days prior to Final Approval Hearing
5. Deadline for filing papers in support of final approval	Twenty-one (21) days prior to the Final Approval Hearing
6. Deadline for Opt-outs/Objections	Sixty (60) days following entry of the PAO
7. Deadline to file Reply in Support of Final Approval and for Attorneys’ Fees and any responses to objections by GMRS (to fees) or to any other objectors	Fifteen (15) days prior to the Final Approval Hearing
8. Final Approval Hearing	<b>Tuesday, August 16, 2016 at 9:30 A.M.</b> in Courtroom 5A, 401 West Central Boulevard Orlando, Florida 32801.
9. Deadline to for submitting claims	Forty-five (45) days following Final Approval Hearing

**DONE** and **ORDERED** in Chambers, Orlando, Florida on March 29, 2016.



*Gregory A. Presnell*  
**GREGORY A. PRESNELL**  
 UNITED STATES DISTRICT JUDGE