

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Craftwood Lumber Company, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

Senco Brands, Inc.,

Defendant.

Case No. 1:14-cv-06866

Hon. John Robert Blakey

Motion for Final Approval of Settlement and Certification of Settlement Class

Plaintiff/Class Representative Craftwood Lumber Company, on behalf of itself and the preliminarily certified Settlement Class, moves for entry of an order granting final approval to the settlement memorialized in the parties' Class Action Settlement Agreement (D.E. 145).

Craftwood also moves for entry of an order that finally certifies the following Settlement Class:

Subscribers of facsimile telephone numbers to which SBI transmitted, on or after September 5, 2010, one or more facsimiles, as recorded in SENCO024902.

The motion is made on the following grounds pursuant to Federal Rule of Civil Procedure 23(a), (b)(3), (e), and (g):

1. The settlement provides a fantastic recovery for the class. Its \$800 average gross recovery per class member dwarfs that of nearly all junk fax settlements up to \$5 million that have been approved in the Seventh Circuit in the last decade. And unlike the vast majority of junk fax settlements, the settlement provides for automatic distribution to the class. No funds will revert to Senco Brands, Inc. As a result, the entire common fund (after fees and expenses are deducted) will be paid to class members.

2. While the settlement provides a concrete and measurable recovery to the class, the benefit of continued litigation would have been highly uncertain. For example, when the case settled, Craftwood faced two pending motions that sought to prevent Craftwood from proceeding as class representative. Craftwood also faced risks relating to class certification and trial, as well as the risk that appeals by Defendant could have delayed the class's recovery for years. There was also the serious risk that SBI could not satisfy a class-wide judgment of the full statutory damages.

3. The class strongly supports the settlement. To date, no members of the class have objected to the settlement and only 2 out of 3,700-plus class members have excluded themselves. At the same time, 563 class members have submitted class member information forms to secure settlement checks.

4. The settlement administrator successfully notified, by fax or mail, about 91% of the class by following the court-approved notice procedure. The settlement administrator's execution of that notice plan by faxing and mailing notice packets (including Notice of Class Action Settlement and Class Member Information Forms), and by establishing the settlement website, provided the best notice practicable. The class notice packets and settlement website gave class members all information they needed to evaluate the settlement and whether to object.

5. The Settlement Class meets all conditions for class certification: (a) the class is so numerous (in excess of 3,700 members) that joinder of all members is impractical; (b) there are predominate common questions of law and fact; (c) the claims of class representative Craftwood are typical of those held by class members; (d) Craftwood and its counsel, with substantial TCPA and other class action experience, have fairly and adequately represented and protected the interests of the class, and there are no antagonistic or conflicting interests between Craftwood and the class; and (e) the adjudication of this case as a class action is superior to individual actions.

The motion is based on the accompanying Memorandum in Support of Motion for Final Approval of Settlement and Certification of Settlement Class; the declarations of David W. Brunjes, Darryl Cordero, Eric Robin, Richard Sherwin, Philip Lem, and Dan Schade; the Class

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that on this fifth day of April, 2017, he caused the foregoing **Motion for Final Approval of Settlement and Certification of Settlement Class** to be filed electronically with the Clerk of Court using the CM/ECF system, and which will send electronic notification to the following:

Matthew K. Brown
jhoke@paynefears.com,
ir.courtnotices@paynefears.com,
mkb@paynefears.com

Daniel F. Lula
df1@paynefears.com

Scott O. Luskin
sol@paynefears.com
pdavid@paynefears.com

Joshua Briones
lalocke@blankrome.com,
jbriones@blankrome.com

Charles Robert Watkins
twilson@gseattorneys.com,
charlesw@gseattorneys.com

Frank F. Owen
ffo@castlepalms.com

Ana Tagvoryan
sbrockway@blankrome.com,
atagvoryan@blankrome.com

Stephen W. Heil
swh@crayhuber.com,
anthony@crayhuber.com,
agatha@crayhuber.com

Jeffrey N. Rosenthal
rosenthal-j@blankrome.com

Zachary Gordon Shook
zgs@crayhuber.com

/s/ C. Darryl Cordero

C. Darryl Cordero