

CASE NO. 460724
Henderson

ASSIGNED JUDGE Hollie L. Gallagher
vs Lawyers Title

- 02 REASSIGNED
- 03 REINSTATED (C/A)
- 04 REINSTATED
- 20 MAGISTRATE
- 40 ARBITRATION
- 65 STAY
- 69 SUBMITTED

DISPOSITION

- 81 JURY TRIAL
- 82 ARBITRATION DECREE
- 83 COURT TRIAL
- 85 PRETRIAL
- 86 FOREIGN JUDGMENT
- 87 DIS. W/O PREJ
- 88 BANKRUPTCY/APPEAL STAY

- 89 DIS. W/PREJ.
- 91 COGNOVITS
- 92 DEFAULT
- 93 TRANS TO COURT
- 95 TRANS TO JUDGE
- 96 OTHER

CV02460724
52374851

NO. JURORS _____
 START DATE ___/___/___
 END DATE ___/___/___

COURT REPORTER _____
 START DATE ___/___/___
 END DATE ___/___/___

- PARTIAL
- FINAL
- POST CARD

DATE 6/30/68 (NUNC PRO TUNC ENTRY AS OF & FOR ___/___/___)

CLERK OF CO

*Order granting preliminary approval
of proposed class action settlement*

OSJ

JUDGE

JOURNAL

FORM

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

MILES R. HENDERSON, <i>et al.</i>)	CASE NO. 02 460724
)	
Plaintiffs,)	JUDGE HOLLIE GALLAGHER
)	
v.)	
)	
LAWYERS TITLE INSURANCE)	<u>ORDER GRANTING</u>
CORPORATION)	<u>PRELIMINARY APPROVAL</u>
)	<u>OF PROPOSED CLASS ACTION</u>
)	<u>SETTLEMENT</u>
Defendant.)	

The matter came before the Court upon the Joint Motion for Preliminary Approval of Proposed Class Action Settlement. Based on the parties' submissions and in the reasonable judgment of the Court based upon the Court's familiarity with and involvement in the litigation, it is hereby ORDERED and ADJUDGED as follows:

A. The Proposed Class Action Settlement, which is set forth in the Settlement Agreement and accompanying Attachments submitted to the Court, is hereby preliminarily approved as being sufficiently fair, reasonable and adequate to warrant sending the Notices of Class Action Settlement in the forms attached to the Settlement Agreement and holding a fairness hearing on the Proposed Settlement;

B. Based upon such preliminary approval, the parties shall proceed to implement the class action settlement process, which shall be undertaken under the auspices of the Court;

C. The Court hereby certifies this action as a class action, expressly finding that given Lawyers Title's agreement pursuant to the terms of the Settlement Agreement to waive its defenses as to the members of the proposed settlement Class for purposes of the Proposed Settlement, Plaintiffs have established the prerequisites set forth in Ohio R. Civ. P. 23(A) and (B)(3). The Class shall be defined as follows:

Plaintiffs and all other persons who (i) paid all or any portion of the premium for an owner's policy of title insurance issued by Lawyers Title directly or through an issuing agent in connection with a Subject Transaction;¹ and (ii) with respect to such Subject Transaction, there existed a Qualifying Prior Policy;² and (iii) with respect to such Subject Transaction, the "Original Rate," rather than the "Reissue Rate" was charged for such title insurance. Excluded from this Class are employees, officers and directors of Lawyers Title and its subsidiaries or affiliates.

The Court further appoints and designates Miles and Patricia Henderson as representatives of the Class and the law firms of Sonkin & Koberna Co., L.P.A., Ulmer & Berne, LLP, Motley Rice, LLC and Gilbert Randolph LLP as Class Counsel.

D. The parties, through the third-party claims administrator, shall proceed to send the first-class mail notice (in the form of Attachment A to the Settlement Agreement) to the members of the Class at addresses derived from records of Lawyers Title, together with published notice (in the form of Attachment B to the Settlement Agreement), all of which shall proceed in accordance with the notice plan set forth in the Settlement Agreement;

E. This matter shall be set for a final fairness hearing, at which time the Settlement will come before the Court for consideration of final approval, entry of Final Judgment, an award of attorneys' fees and reimbursement of litigation expenses to Plaintiffs'

¹ "Subject Transaction" means a residential purchase-sale transaction on property located in Ohio which transaction was completed between January 25, 1996 and the date of this Order Granting Preliminary Approval of the Proposed Class Action Settlement in which a Lawyers Title owner's policy of title insurance was issued to the buyer either directly or through an issuing agent.

² "Qualifying Prior Policy" means an owner's policy of title insurance which (1) was issued by a title insurer licensed to do business in Ohio at the time of a Subject Transaction, (2) had been outstanding for less than ten years at the time of a Subject Transaction, (3) insured a seller in a Subject Transaction, (4) insured the property in a Subject Transaction, and (5) would otherwise have satisfied the requirements of the Reissue Rate rule applicable at the time of a Subject Transaction.

counsel, and such other matters as may be incidental to settlement or as otherwise may come before the Court;

F. The Court finds that the notice plan, including the forms and methods of notice as set forth in the Settlement Agreement, is fair, reasonable and adequate, and provides good and sufficient notice to the Class under Ohio R. Civ. P. 23(C)(2) and principles of due process, and that the notice plan is reasonably calculated to provide individual notice to members of the Class who can be identified through reasonable effort;

G. The Court finds that the form and content of the first-class mail notice and the publication notice adequately inform members of the Class of their rights and obligations relative to the case and that such notice complies with Ohio R. Civ. P. 23(C)(2);

H. The Court shall conduct the fairness hearing on Tuesday, March 10, 2008 at 1:30 p.m., subject to continuance or adjournment;

I. The Court shall retain continuing jurisdiction over this matter and all proceedings associated with the settlement process.

IT IS SO ORDERED.




THE HONORABLE
HOLLIE L. GALLAGHER

RECEIVED FOR FILING

JUL 02 2008

GERALD E. FURST

By  Dep.