

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CASE NO. 5:21-cv-00488-BO**

PHILIP BULLS, DEAN BRINK, CARMIN)
NOWLIN, NICHOLAS PADAO, and)
RAPHAEL RILEY, *on behalf of themselves*)
and others similarly situated,)
)
Plaintiffs,)
)
v.)
)
USAA FEDERAL SAVINGS BANK, and)
USAA SAVINGS BANK,)
)
Defendants.)
)
)
)
)

**PLAINTIFFS’ UNOPPOSED MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Plaintiffs Philip Bulls, Dean Brink, Carmin Nowlin, Nicholas Padao, and Raphael Riley (collectively, “Plaintiffs”), with no opposition from Defendants USAA Federal Savings Bank and USAA Savings Bank (collectively, “USAA Bank”), under Federal Rule of Civil Procedure 23 and Local Rule 7.1, respectfully move the Court for an order:

1. Certifying the proposed settlement class, defined as: All USAA Bank customers who (1) received and deposited a remediation check as a result of the SCRA Remediation or the MLA remediation, or (2) were identified to receive remediation based upon the SCRA Remediation, the MLA Remediation, the EVP Remediation, or the DP Remediation, but did not

successfully cash or deposit such remediation payment.¹

2. Granting final approval of this class action settlement, under Federal Rule of Civil Procedure 23, including final approval of the Distribution Plan; and
3. Finding that the notice given to Class Members under the notice plan satisfied the obligations of Rule 23 and due process.

The grounds for this motion are that class certification is warranted under the considerations of Rule 23; the proposed settlement is fair, adequate, and reasonable, and, together with the notice plan, satisfies the obligations of Rule 23 and due process; and that the other requested relief is well-grounded in law and fact, as set forth in the accompanying memorandum of law in support and the exhibits thereto.

Plaintiffs also file contemporaneously a proposed order for the relief set forth above.

Submitted this the 7th day of January, 2025.

SMITH & LOWNEY PLLC

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¹ Excluded from the Class are all persons who have executed a release of the rights claimed in this action; USAA Bank; USAA Bank's officers and directors at all relevant times, as well as members of their immediate families and their legal representatives, heirs, successors, or assigns; and any entity in which USAA Bank has or had a controlling interest. Also excluded from the Class are federal, state, and local governments and all agencies and subdivisions thereunder; and any judge to whom this Action is or has been assigned and any member of his immediate family.

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Local Rule 83.1 Counsel

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Final Approval of Class Action Settlement** has been electronically filed with the Clerk of Courts using the CM/ECF system.

This the 7th day of January, 2025.

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