



DAVID CERICOLA, RYAN GINSBERG,
GINA ANGELOTTI, RICHARD KOSAK,
TYLER RISSLER, ROBERT
SZOSTKIEWICZ, and PICKERING
MEADOWS COMMUNITY ASSOCIATION,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

A.J. BLOSENSKI, INC., a Pennsylvania
Corporation,

Defendant

COURT OF COMMON P
CHESTER COUNTY

No. 2023-10303-CT

ORDER

On the 21st day of April, 2025, this Court heard the Plaintiffs' motion for final approval of the settlement and entry of judgment.¹ This Court reviewed: (a) the motion and the supporting papers, including the Settlement Agreement; (b) any objections to the settlement; (c) the parties' response to any objections; and (d) counsels' agreement. Based on this review and the findings below, the Court finds good cause to grant the motion.

The Court makes the following findings:

1. The prerequisites for a class action under 231 Pa. Code § 1702 have been satisfied. The Court finds, in the specific context of this Settlement, that the following requirements are met: (a) the number of Settlement Class Members is in the tens of thousands and is so numerous that joinder of all

¹Capitalized terms in this Final Approval Order ("Order"), unless otherwise defined, have the same definitions as those terms in the Settlement Agreement.

Settlement Class Members is impracticable; (b) there are questions of law and fact common to the Settlement Class Members; (c) Plaintiffs' claims are typical of the claims of the Settlement Class Members they seek to represent for purposes of the Settlement; and (d) Plaintiffs and Class Counsel have fairly and adequately represented the interests of the Settlement Class.

2. The prerequisites for a class action under 231 Pa. Code § 1708(a) have been satisfied. The Court finds in the specific contexts of this Settlement, that the following requirements are also met: (a) questions of law and fact common to the Settlement Class Members predominate over any questions affecting any individual Settlement Class Member; (b) a class action provides a fair efficient method for settling the controversy under the criteria set forth in Rule 23; (c) because this is a Settlement, there is no risk of inconsistent or varying adjudications with respect to individual members of the class that would confront the Defendant with incompatible standards of conduct; (d) because this is a Settlement, there is no risk that adjudications with respect to individual Settlement Class Members would be dispositive of other members not parties to the adjudications.

3. The Court is aware of litigation in the Eastern District of Pennsylvania that may be related to this litigation but finds that this forum is appropriate for the litigation and that any members of the federal court litigation could either participate in the Settlement or opt-out to continue to pursue their claims against the Defendant if they wished to do so.

4. The Court concludes that because the amount in controversy for each individual Settlement Class Member is relatively low, the expense of litigation and complexity of the issues do not support separate actions but do justify certifying the Settlement Class as the recoveries justify the modest expense and effort of settlement administration.

5. The Court also concludes that, because the Lawsuit is being settled rather than litigated, the Court need not consider manageability issues that might otherwise be presented by the trial of a class action involving the issues in the Lawsuit.

6. The prerequisites for a class action under 231 Pa. Code § 1709 are satisfied because the representative parties adequately protected the interests of the Settlement Class, because they do not have a conflict of interest in the maintenance of the class action, and because their counsel has sufficient financial resources to assure that the interests of the class will not be harmed.

7. The Court considered the following factors, and finds that each supports the final approval of the Settlement: (1) the value and certainty of the benefits to be provided by the Settlement to Settlement Class Members who submit valid and timely Claim Forms; (2) the defenses asserted by Defendant A.J. Blosenski, Inc. ("AJB"); (3) the risks to Plaintiffs and Settlement Class Members that AJB would successfully defend against class certification and/or against the merits of the claims alleged in this Lawsuit,

whether litigated by Settlement Class Members themselves or on their behalf in a class action; and (4) the length of time that would be required for Settlement Class Members or any of them to obtain a final judgment through one or more trials and appeals.

8. The Court reaffirms its prior finding that the Settlement falls within the range of reasonableness because the Settlement has key indicia of fairness, in that (1) the Parties reached the Settlement only after extensive negotiations, which were contentious, at arm's-length, (2) the Plaintiffs obtained sufficient confirmatory discovery from AJB and also conducted an independent investigation into the issues in the Lawsuit sufficient to enable counsel to act intelligently, and (3) the proponents of the Settlement are experienced in similar class action litigation.

In light of the Court's findings, it is ORDERED as follows:

9. Pursuant to 231 Pa. Code §§ 1702, 1708(a), and 1709, the Court hereby certifies the following Settlement Class:

All current and former customers of AJB and/or Eagle Disposal, including homeowner associations ("HOAs"). The "Settlement Class" also includes all residents of households where a current or former AJB or Eagle Disposal customer or party received trash and recycling services, notwithstanding the identity of the person who actually contracted and/or paid for services.

Excluded from the Settlement Class are: (i) AJB, its officers, directors, affiliates, legal representatives, employees, successors, and assigns, and entities in which AJB has a controlling interest; (ii) the judge presiding over the Lawsuit and any member of the Court's staff and immediate family;

and (iii) local, municipal, state and federal governmental entities.

10. The Court reaffirms the appointments of Plaintiffs David Cericola, Ryan Ginsberg, Gina Angelotti, Richard Kosak, Tyler Rissler, Robert Szostkiewicz, and Pickering Meadows Community Association as the Class Representatives of the Settlement Class, and Sauder Schelkopf LLC as Class Counsel.

11. The Court reaffirms its prior finding that the Notice of Settlement and Claim Form, as well as other notice methods described in the Notice Plan as set forth in the Settlement Agreement, satisfy the requirements of due process, 231 Pa. Code §1712, and any other applicable laws, constitutes the best notice practicable under the circumstances, and constitute due and sufficient notice to all persons entitled thereto.

12. The following persons requested exclusion from the Settlement Class:

Robert C. Gorner
Jose B. Perez
John Glen Zimmerman
Christian Spuckti
Rachel F. Zook
James Salyers
Michael J. Hanson

These persons shall not share in the benefits of the Settlement, and this Order does not affect their legal rights to pursue any claims they may have against Defendant.

13. The Court has considered any objections to the Settlement and finds that they are unpersuasive and therefore overrules all of those which have not been withdrawn.

14. This Order applies to all claims or causes of action settled under the Settlement Agreement and binds all Settlement Class Members, including those who did not properly request exclusion under the Preliminary Approval Order. This Order does not bind persons or entities who submitted timely and valid requests for exclusion.

15. Plaintiffs and all Settlement Class Members who did not properly request exclusion are: (1) deemed to have completely released and forever discharged the Released Parties from all claims arising out of or asserted in the Lawsuit and the Released Claims; and (2) barred and permanently enjoined from asserting, instituting, or prosecuting, either directly or indirectly, these claims and the Released Claims. The full terms of the release described in this paragraph are set forth in the Settlement Agreement and are specifically incorporated herein by reference.

16. No Person shall have any claim against AJB, Counsel for AJB, Plaintiffs, Class Counsel, the Released Parties, and/or the Settlement Administrator based on the Court-approved Notice of Settlement or Notice Plan, or any determinations, distributions, or awards made with respect to any Claim.

17. Pursuant to the Parties' request, the Court will retain jurisdiction over the Action and the Parties for all purposes related to this settlement.

BY THE COURT:

Date: 5/6/2025



Anthony T. Verwey, J.