

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FELIX PUELLO, et al.,)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-10417-MLW
)	
)	
CITIFINANCIAL SERVICES, INC., et al.,)	
Defendants.)	

ORDER

WOLF, D.J.

December 22, 2011

As stated in court on December 21, 2011, it is hereby ORDERED that:

1. The Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (Docket No. 87) is DENIED without prejudice.

2. By January 20, 2012:

(a) Plaintiffs shall file any renewed Motion for Preliminary Approval of Class Action Settlement and a supplemental memorandum in support of that Motion. The memorandum shall, among other things, provide the relevant current law concerning the standards the court must apply when deciding whether to preliminarily certify a class for settlement purposes in light of Amchem Products, Inc. v. Windsor, 521 U.S. 591 (1997); address the issues concerning class certification arising from the Supreme Court's decision in Wal-Mart Stores, Inc. v. Dukes 131 S. Ct. 2541 (2011), see Rodriguez v. National City Bank, No. 08-2059, 2011 WL 5041355, at *4-7 (E.D. Pa. Oct. 24, 2011); provide by affidavit a factual basis for the claim that class certification is

appropriate; address the estimated number of class members for whom the plaintiffs' counsel believes it has a current address; state whether and why \$1 00,000 in credit counseling is sufficient for this class.

(b) Plaintiffs shall also address whether the court should appoint an expert or special master, at the parties' expense, to gather information and provide the court with advice concerning the plaintiffs' request for conditional certification of a class for settlement purposes and preliminary approval of the proposed class action settlement. See ___ Manual for Complex Litigation, Fourth, §21.632, at 321.

(c) Plaintiffs shall submit revised proposed Class Notices for the Non-Wholesale and Wholesale subclasses. The revised proposed Notices shall describe to the class members the nature of claims which would not be released pursuant to the Settlement Agreement, including claims under the Home Affordable Modification Program ("HAMP"). Such Notices shall also include the name and contact information of the plaintiffs' counsel.

(d) Defendants shall file an affidavit describing the actions they have taken pursuant to Section 2.3(b) of the Settlement Agreement, which is described on page 2 of the proposed Class Notice, to develop and continue an "enhanced Fair Lending Policy" that addresses the claims raised by the Plaintiffs in this litigation, to retain and continue to retain an expert in fair

