



West Virginia E-Filing Notice

CC-06-2025-C-523

Judge: Sean K. Hammers

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NOTICE OF FILING

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

Amanda Stevens v. Nelnet Servicing, LLC

CC-06-2025-C-523

The following order - motion was FILED on 5/26/2026 4:14:31 PM

Notice Date: 5/26/2026 4:14:31 PM

Michael J. Woelfel
CLERK OF THE CIRCUIT COURT
Cabell County
750 5th Avenue, Suite 114
HUNTINGTON, WV 25701

(304) 526-8622

In the Circuit Court of Cabell County, West Virginia

Amanda Stevens,
Plaintiff,

v.

Case No. CC-06-2025-C-523
Judge Sean K. Hammers

Nelnet Servicing, LLC,
Defendant

**AGREED ORDER ON UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND SCHEDULING ORDER**

Pending before the Court is a Motion for Preliminary Approval of Class Action Settlement filed by Plaintiff Amanda Stevens ("Plaintiff"), on behalf of a settlement class, and Defendant Nelnet Servicing LLC ("Defendant"), who have agreed to settle this Action pursuant to the terms and conditions set forth in a written Settlement Agreement (the "Settlement"). The parties reached the Settlement after exchange of discovery and through arms'-length negotiations with the assistance of Edd McDevitt, an experienced and well-respected mediator. After careful consideration, this Court **GRANTS** the motion and, in exercise of its discretion, **APPROVES** the Settlement on a preliminary basis, based on the following findings and conclusions.

The Class, the Class Representatives, and Class Counsel

The parties have agreed to certification of Settlement Class defined as:

All West Virginia borrowers who applied for an Income Driven Repayment plan before August 31, 2023, whose applications were eventually approved, and who received a statement from Nelnet in the intervening period stating that there was no current amount due, but that amounts would come due within the next sixty (60) days.

The Court appoints Amanda Stevens as Class Representative for the proposed Settlement Class. The Court appoints the following firms and attorneys as Class

Counsel:

KLEIN & SHERIDAN, LC
Benjamin Sheridan
Jed Nolan

BAILEY GLASSER LLP
Jonathan Marshall
Denali Hedrick

Preliminary Approval of Settlement

Under the Settlement, subject to the terms and conditions therein and subject to Court approval, Plaintiff and the proposed Settlement Class would fully, finally, and forever resolve, discharge and release their claims in exchange for Defendant's payment of \$325,000.00 (the "Settlement Amount") to create a common fund ("Settlement Fund") to benefit the Settlement Class. This fund will be used to pay class member damages, which will be allocated on a per letter basis. The Settlement Amount is inclusive of all attorneys' fees and expenses and service awards to Plaintiff, all in amounts to be approved by the Court, and the costs of class notice and administration.

The Court preliminarily approves the Settlement, together with all exhibits thereto, as fair, reasonable, and adequate. The Court finds that the Settlement was reached in the absence of collusion, is the product of informed, good-faith, arms'-length negotiations between the Parties and their capable and experienced counsel, and was reached with the assistance of a well-qualified and experienced mediator, Edd McDevitt. The Court further finds that the Settlement, including the exhibits thereto, is within the range of reasonableness and possible judicial approval, such that: (a) a presumption of fairness is appropriate for the purposes of preliminary settlement approval; and (b) it is appropriate to effectuate notice to the Settlement Classes, as set forth below and in the Settlement, and schedule a Final Approval hearing to assist the Court in determining whether to grant Final Approval to the Settlement and enter final

judgment.

Approval of Notice and Notice Program and Direction to Effectuate Notice

The Parties have agreed to jointly select a Settlement Administrator; The Parties have selected Epperly Re: Solutions.

The Court approves the form and content of the Notice, substantially in the form attached as Exhibit A to the Settlement. The Court further finds that the Notice program, described in section 10 of the Settlement, is the best practicable under the circumstances. The Notice program is reasonably calculated under the circumstances to apprise the Settlement Classes of the pendency of the Action, the terms of the Settlement, Class Counsel's Fee Application and request for a service award for Plaintiff, and their rights to opt-out of the Settlement Class and object to the Settlement, Class Counsel's Fee Application, and/or the request for a service award for Plaintiff. The Notice and Notice program constitutes sufficient notice to all persons entitled to notice. The Notice and Notice program satisfies all applicable requirements of law, including, but not limited to, West Virginia Rule of Civil Procedure 23(c) and the Constitutional requirement of due process.

Pursuant to the terms of the Settlement Agreement, Defendant is hereby directed to supply an electronic list to the Settlement Administrator containing the names, account numbers, and last known addresses of Class Members, to the extent available from Defendant's records, as of the date of the entry of the Preliminary Approval Order, and the Settlement Administrator shall update the address list in accordance with the Settlement Agreement.

No later than thirty (30) days following entry of this Order, the Settlement Administrator shall mail the Notice by first-class United States mail to the updated addresses for the Settlement Class. Any Notices returned as undeliverable, but with a

forwarding address, shall be promptly re-mailed to the forwarding address. The Administrator shall perform a National Change of Address Registry and LexisNexis/Death Records Search for all Notices returned as undeliverable, without a forwarding address. Such Notices shall be re-mailed upon discovery of a valid mailing address for the Settlement Class Member.

The costs and expenses of printing, preparing and mailing the Notice shall be paid from the Settlement Fund. All other fees and expenses relating to the Settlement Agreement shall be paid out of the Settlement Fund. Defendant shall have no liability and responsibility beyond the Settlement Fund.

Final Approval Hearing, Opt-Outs, and Objections

The Court directs that a Final Approval hearing shall be scheduled for September 23, 2026, at 10:00 a.m., to assist the Court in determining whether to grant Final Approval of the Settlement and enter final judgment, and whether Class Counsel's Fee Application and request for service awards for Plaintiff should be granted.

The Court directs that any person within the Settlement Class definition who wishes to be excluded from the Settlement Classes may exercise the right to opt-out of the Settlement Classes by following the opt-out procedures set forth in the Notice at any time before the Opt-Out Deadline. To be valid and timely, opt-out requests must be postmarked on or before the Opt-Out Deadline and mailed to the address indicated in the Notice, and must include:

- (a) the Settlement Class Member's full name, current address and telephone number;
- (b) the signature(s) of each Settlement Class Member; and
- (c) a statement of intent of all signatories not to participate in the Settlement.

The Opt-Out Deadline shall be twenty-eight days prior to the Final Approval Hearing, and shall be specified in the Notice. All persons within the Settlement Classes definition who do not timely and validly opt-out of the Settlement Classes shall be bound by the terms of the Settlement.

The Court further directs that any person in the Settlement Classes who does not timely and validly opt-out of the Settlement Classes may object to the Settlement, Class Counsel's Fee Application and/or the request for service awards for Plaintiff. Objections to the Settlement and/or to the Fee Application and/or the request for service awards must be mailed to the Clerk of the Court, Settlement Administrator, Class Counsel, and Defendant's Counsel. For an objection to be considered by the Court, the objection must be postmarked no later than the Objection Deadline, which shall be twenty-eight days before the Final Approval Hearing, as specified in the Notice and shall include: (a) a notice of the objector's intention to appear; (b) documentary proof that the objector is a member of the Settlement Class; (c) a specific statement regarding the basis for such objections; and (d) identification as to whether the objection applies to the entire Settlement Class, a specific subset of the Settlement Class, or only to the objector.

Further Papers In Support Of Settlement and Fee Application

Plaintiff shall file her Motion for Final Approval of the Settlement, and Class Counsel shall file their Fee Application and request for service awards for Plaintiff, no later than twelve (12) days before the Opt-Out Deadline and the Objection Deadline. If Defendant chooses to file any papers in support of the Settlement, it also must do so no later than seven (7) days before the Final Approval hearing.

Stay/Bar Of Other Proceedings

All proceedings in this Action are stayed until further order of the Court, except as may be necessary to implement the terms of the Settlement. Pending final

determination of whether the Settlement should be approved, Plaintiffs, all persons in the Settlement Class, and persons purporting to act on their behalf are enjoined from commencing or prosecuting (either directly, representatively or in any other capacity) against any of the Released Persons any action or proceeding in any court, arbitration forum or tribunal asserting any of the Settled Claims.

Based on the foregoing, the Court sets the following schedule for the Final Approval hearing and the actions which must precede it:

1. The Settlement Administrator shall mail the Notice no later than thirty (30) days from the date of this Order (the "Notice Date");
2. Settlement Class Members must file any objections to the Settlement, the Motion for Final Approval of the Settlement, Class Counsel's Fee Application and/or the request for a service award no later than twenty-eight (28) days prior to the Final Approval Hearing;
3. Settlement Class Members must file requests for exclusion from the Settlement no later than twenty-eight (28) days prior to the Final Approval Hearing;
4. Plaintiff shall file her Motion for Final Approval of the Settlement, and Class Counsel shall file their Fee Application and Request for a service award for Plaintiff, no later than twelve (12) days before the Opt-Out Deadline and the Objection Deadline; and
5. The Final Approval Hearing will be held (approximately) 120 days after entry of this Order, on September 23, 2026 at, 10:00 a.m. in the Courtroom of the Honorable Sean K. Hammers, Cabell County Courthouse, 750 5th Ave, Huntington, WV 25701.

IT IS SO ORDERED.

/s/ Sean K. Hammers

Circuit Court Judge
6th Judicial Circuit

Submitted By:

/s/ Benjamin M. Sheridan
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REVIEWED AND NOT OPPOSED:

/s/ Zachary J. Rosencrance, with permission
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Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.