

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMINATA MANSARAY**, on behalf of  
herself and all others similarly situated,  
and **ABDUL MAJID KAMARA**,  
individually,

*Plaintiffs,*

v.

**TD BANK, N.A.**,

*Defendant.*

Case No. 2:22-cv-5039-AB

**ORDER PRELIMINARILY APPROVING CLASS SETTLEMENT AND  
DIRECTING  
NOTICE TO SETTLEMENT CLASS MEMBERS**

The Court, having reviewed the (1) Plaintiff's Unopposed Motion for an Order Preliminarily Approving Class Settlement and Directing Notice to Settlement Class Members and (2) the Agreement<sup>1</sup> entered into by the Parties, hereby ORDERS that:

1. The Court has considered the proposed settlement of the claims asserted in this matter on behalf of the following Class (the "Settlement Class"):

All persons with a residential mortgage loan with TD Bank, N.A., in the calendar years 2020 or 2021, (a) to whom, at any time from October 2020 through June 2021, TD Bank mailed a mortgage statement fewer than seven (7) calendar days prior to the due date of their residential mortgage loan payment; (b) who, at any time from October 2020 through July 2021, TD Bank furnished to one or more Consumer Reporting Agencies as having made a late mortgage loan payment; and (c) who submitted a dispute to a Consumer Reporting Agency regarding a mortgage loan payment on their TD residential mortgage loan having been incorrectly furnished as late, which dispute the Consumer

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<sup>1</sup> Capitalized terms are defined in Section II of the parties' Settlement Agreement and Release ("Agreement"). ECF 84-2.

Reporting Agency sent to TD Bank. Excluded from the Settlement Class are TD Bank and any judge to whom this Action is or has been assigned.

2. Based upon the Court's review, it appears that the settlement is fair, reasonable, and adequate, and that each of the following is true:

a. Plaintiff Aminata Mansaray and Class Counsel Francis Mailman Soumilas, P.C. have adequately represented the Settlement Class;

b. the proposed Settlement was negotiated at arm's length;

c. the relief provided for the Settlement Class is adequate, taking into account:

i. the costs, risks, and delay of trial and appeal;

ii. the monetary amount and effectiveness of the proposed method of providing payments to eligible Settlement Class Members; and

iii. the terms of the proposed awards of attorneys' fees and costs and individual settlement and service payment to the named Plaintiff, including timing of payment.

d. the proposed settlement treats Settlement Class Members equally relative to each other.

3. The Court has reviewed the proposed manner of giving notice as set forth in the Settlement Agreement and proposed notices to class members and finds that the proposed method of notice distribution fully satisfies the requirements of FED. R. CIV. P. 23 and due process, constitutes the best notice practicable under the

circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

4. The Court approves the selection of Continental DataLogix, LLC as the Settlement Administrator and Escrow Agent.

5. No later than forty (40) days after the date of this Order, Defendant shall compile and securely deliver the Class List to the Settlement Administrator in accordance with § VII.54 of the Agreement.

6. No later than five (5) days after the close of the Opt-Out Period and the expiration of the Objection Deadline, the Settlement Administrator will cause a declaration to be filed with the Court that the notice of the Settlement was given as required by the Settlement Agreement.

7. The Court will hold a Final Approval Hearing pursuant to FED. R. CIV. P. 23(e) at 10:30 a.m. on April 28, 2025 in Courtroom 7-B of the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, 19106 for the following purposes:

a. To determine whether the proposed settlement is fair, reasonable and adequate and should be granted final approval by the Court;

b. To determine whether a final judgment should be entered dismissing the claims of Mansaray and the Settlement Class with prejudice, as required by the Settlement Agreement;

c. To consider the application of Class Counsel for an award of attorney's fees and expenses, and for a service award to the Plaintiff; and

d. To rule upon other such matters as the Court may deem appropriate.

8. Any Settlement Class Member that chooses to opt out of the Settlement Class must submit a request to opt out in the manner described in Section VIII of the Agreement no later than 60 days after the Notice Deadline. No later than five (5) days after the close of the Opt-Out Period, the Settlement Administrator shall provide to Class Counsel and Defendant's Counsel a complete list of all Settlement Class Members who have properly opted out of the Settlement Classes together with copies of the opt-out requests.

9. A Settlement Class Member who does not submit a timely opt-out request shall be bound by all subsequent proceedings, orders, and judgments in this action. Any Settlement Class Member who submits a timely opt-out request may revoke his or her opt-out request by submitting to the Settlement Administrator a written statement of revocation, postmarked or received prior to the close of the Opt-Out Period.

10. Any Settlement Class Member who wishes for the Court to consider an objection to the settlement must submit an Objection in the manner described in Section IX of the Agreement to (a) Class Counsel; (b) Defendant's Counsel; and (c) the Clerk of the Court. Such Objection shall be personally signed and must include the items of information set forth in paragraph 73 of Section IX of the Agreement.

11. Any objector who wishes to be heard at the Final Approval Hearing must also file a notice of intent to appear with the Court Clerk's office no later than the expiration of the Objection Deadline and must provide both Class Counsel and Defendant's Counsel with copies of the notice of intent to appear.

12. All briefs, memoranda, petitions, and affidavits to be filed in support of a service award to Plaintiff and for an award of attorneys' fees and expenses shall be filed no later than fifteen (15) days prior to the Objection Deadline.

13. All briefs, memoranda, petitions, and affidavits to be filed in support of final approval of the Settlement shall be filed no later than fourteen (14) days prior to the Final Approval Hearing.

14. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement.

Dated: 10/31/2024

BY THE COURT:

s/ANITA B. BRODY, J.  
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Hon. Anita B. Brody  
United States District Judge