



than 11,700 copies of the Notice of Pendency and Proposed Settlement of Class Action (“Notice”) and Proof of Claim and Release form (“Proof of Claim”) were sent to potential Class Members and their nominees.<sup>1</sup> In addition, the Summary Notice was transmitted over *Business Wire* and published in *The Wall Street Journal* on August 3, 2023. Murray Decl., ¶11. Copies of the Notice, Proof of Claim, Stipulation of Settlement, July 6, 2023 Order, and other documents in support of the Settlement were also posted on a website dedicated to the Litigation. *Id.*, ¶13. The deadline for submitting objections to any aspect of the Settlement, the Plan of Allocation, and/or Class Counsel’s request for an award of attorneys’ fees and expenses has passed, as has the deadline for a Class Member to request to exclude himself, herself, or itself from the Class. To counsel’s knowledge, as of the date of this filing, not a single objection has been received to any aspect of the relief requested; nor has any request to be excluded from the Class been received.

The reaction of the Class – no objections – demonstrates that the Class supports the Settlement, Plan of Allocation, counsel’s attorneys’ fee and expense request and the award to Plaintiff, and is the most powerful evidence that the Settlement is fair, reasonable, and adequate and that it should be approved. *See, e.g., Moore v. Medical Fin. Servs.*, 2021 WL 6333304, at \*4 (W.D. Tenn. Nov. 30, 2021) (“When there are few objections, that fact is indicative of the adequacy of the settlement.”); *In re Southeastern Milk Antitrust Litig.*, 2013 WL 2155379, at \*6 (E.D. Tenn. May 17, 2013) (“The lack of objections by class members in relation to the size of the class highlights the fairness of the settlements to unnamed class members and supports approval of the settlements.”); *Brotherton v. Cleveland*, 141 F. Supp. 2d 894, 906 (S.D. Ohio 2001) (“[A] relatively small number of class members who object is an indication of a settlement’s fairness.”).

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<sup>1</sup> See ¶¶4-10 to the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (“Murray Decl.”) (ECF 181), and ¶¶3-4 to the accompanying Supplemental Declaration of Ross D. Murray Regarding Notice Dissemination and Requests for Exclusion Received to Date (“Supp. Murray Decl.”).

For the reasons set forth herein and in previously submitted memoranda and declarations, Plaintiff respectfully submits that the \$3.75 million Settlement is a favorable result for the Class and that the Plan of Allocation is a fair and equitable method for distributing the Net Settlement Fund. Therefore, both should be approved as fair, reasonable, and adequate. Finally, the attorneys' fees and expenses requested by Class Counsel and the award to Plaintiff pursuant to 15 U.S.C. §78u-4(a)(4) are reasonable under the circumstances and should be awarded in the amounts sought.<sup>2</sup>

DATED: October 11, 2023

Respectfully submitted,

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<sup>2</sup> Proposed orders granting the relief sought herein are submitted herewith.

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 11, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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# Mailing Information for a Case 3:19-cv-00407 Caudle v. AAC Holdings, Inc. et al

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## Manual Notice List

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- (No manual recipients)