

Exhibit B

Order Conditionally Certifying Settlement Class

FILED
DATE: September 27, 2024
TIME: 8:25:11 AM
GUILFORD COUNTY
CLERK OF SUPERIOR COURT
BY: P. Williams

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23 CVS 5934

TIMOTHY MCQUEEN and CARLA
WALTERS, individually and on behalf of those
similarly situated, *et al.*

Plaintiffs,

v.

AUTOMONEY, INC. and AUTO MONEY
NORTH, LLC,

Defendants.

**ORDER ALLOWING
PLAINTIFFS' UNOPPOSED MOTION
FOR CONDITIONAL
CERTIFICATION OF A
SETTLEMENT CLASS**

THIS MATTER CAME ON TO BE HEARD and was heard by the undersigned Superior Court Judge on September 25, 2024 on the Motion of Plaintiffs Timothy McQueen and Carla Walters ("Proposed Class Representative Plaintiffs"), individually and on behalf of all others similarly situated, pursuant to Rule 23(a), North Carolina Rules of Civil Procedure, for an Order of the Court conditionally certifying a Settlement Class defined as follows:

All North Carolina residents who, at any time between January 1, 2011 and the effective date of a proposed settlement of between Auto Money and the proposed settlement class: (i) entered into a car title loan charging interest in excess of 30.0% APR with either AutoMoney, Inc. or Auto Money North, LLC; and (ii) with respect to whom the security interest granted by the car title loan was perfected with the North Carolina Department of Motor Vehicles.

AND IT APPEARS TO THE COURT as follows:

1. Proposed Class Representative Plaintiffs and Defendants AutoMoney, Inc. and Auto Money North, LLC have agreed to: a) an amendment of the Complaint in this civil action to assert class action claims against Defendants for violations of the North Carolina Consumer Finance Act, N.C.G.S. §53-164, *et seq.*, (the NCCFA) and the North Carolina

Unfair and Deceptive Trade Practices Act, N.C.G.S. §75-1.1, *et seq.* and, alternatively, for violations of the North Carolina Usury Statute, N.C.G.S. § 24-1.1., *et seq.*; b) subject to Court approval, the designation of Proposed Class Representative Plaintiffs as the class representatives; and c) subject to the final approval of the Court, the settlement of all claims in this civil action on a class-wide basis for the benefit of those North Carolina residents who are members of the proposed Settlement Class and who do not opt out of the proposed class action settlement.

2. Proposed Class Representative Plaintiffs seek an Order of the Court conditionally certifying the Settlement Class as defined herein for the purposes of the proposed class action settlement and pending the Court's final approval of the proposed class action settlement.

3. The proposed class numbers appear to total at least ten thousand North Carolina residents and it would be impracticable to bring all members of the proposed class before the Court.

4. The questions of law and fact which are common to the class and predominate over issues affecting only individual class members include whether the actions of Auto Money alleged in the Second Amended Complaint constitute violations of the North Carolina Consumer Finance Act (Chapter 53) and violations of the North Carolina Unfair and Deceptive Trade Practices Act (Chapter 75) and, alternatively, violations of the North Carolina Usury Statute (Chapter 24).

5. Proposed Class Representative Plaintiffs are typical of the class. Proposed Class Representative Plaintiffs have a genuine personal interest in the issues of law and fact that are common with the proposed class and identified herein. Defendants' practices alleged

in the Second Amended Complaint are similar to those imposed upon the proposed Settlement Class.

6. This matter is appropriately a class action and is the superior method for the adjudication of the claims of Proposed Class Representative Plaintiffs and the proposed Settlement Class. If the proposed Settlement Class is not allowed, the interests of the proposed class members may well be ignored since their damages are relatively small in comparison to the cost of litigation, they are presently unaware of their legal rights, and a multiplicity of suits presents the possibility of inconsistent results.

7. Proposed Class Representative Plaintiffs are adequate representatives of the class because of the nature of their factual claims. Plaintiffs are prepared to go forward with the litigation and act in the best interest of the proposed Settlement Class. Similarly, Proposed Class Representative Plaintiffs' counsel is experienced in class action litigation and are willing to go forward and act in the best interest of the proposed Settlement Class.

8. Plaintiffs' Counsel are unaware of any conflicts of interest between Proposed Class Representative Plaintiffs and the proposed Settlement Class they seek to represent.

9. Subject to Court approval and supervision, the best notice practical under the circumstances will be given to the members of the proposed Settlement Class.

10. As required by Rule 23(a), North Carolina Rules of Civil Procedure, Proposed Class Representative Plaintiffs will fairly ensure the adequate representation of the members of the proposed Settlement Class.

11. Defendants consent to the relief sought in the instant motion. As requested by Defendants and consented to by the Plaintiffs, the approval and certification reflected herein is conditional, and does not decide whether litigation of this action as a class action

is appropriate for any purpose other than procedures that relate to the proposed Settlement. If the Settlement is not approved or is otherwise not finalized, this Motion will have no effect and Defendants shall retain the right to oppose further efforts to certify the case or any similar case as a class action.

12. The Court has broad discretion to conditionally certify the proposed settlement class. *Faulkenbury v. Teachers' & State Employees' Ret. Sys. of N.C.*, 345 N.C. 683, 699, 483 S.E.2d 422, 432 (1997).

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion of Plaintiffs Timothy McQueen and Carla Walters, individually and on behalf of all others similarly situated, pursuant to Rule 23(a), North Carolina Rules of Civil Procedure, for an Order of the Court conditionally certifying a Settlement Class is ALLOWED and the Court hereby conditionally certifies a Settlement Class defined as follows:

All North Carolina residents who, at any time between January 1, 2011 and the effective date of a proposed settlement between Auto Money and the proposed settlement class: (i) entered into a car title loan charging interest in excess of 30.0% APR with either AutoMoney, Inc. or Auto Money North, LLC; and (ii) with respect to whom the security interest granted by the car title loan was perfected with the North Carolina Department of Motor Vehicles.

2. Plaintiffs Timothy McQueen and Carla Walters are hereby approved and designated as the Class Representatives of the Settlement Class being conditionally certified by this Order.

This is the 26th day of September, 2024.



9/26/2024 2:14:22 PM

Superior Court Judge Presiding

Paul C. Ridgeway
Senior Resident Superior Court Judge