

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON**

**TERESA KEELING and  
KEVIN KEELING, in their own right and  
as representatives of a class of persons  
similarly situated;**

**Civil Action No. 3:23-cv-00352**

**Plaintiffs,**

**v.**

**Judge Robert C. Chambers**

**THE HUNTINGTON NATIONAL BANK,**

**Defendant.**

**ORDER ON 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 Plaintiffs Teresa Keeling and Kevin Keeling (“Plaintiffs”), on behalf of a settlement class, and Defendant The Huntington National Bank (“HNB”). The parties have agreed to settle this Action pursuant to the terms and conditions set forth in a Class Settlement And Release Agreement (the “Settlement”). The parties reached the Settlement after exchange of discovery and through arms’ length negotiations with the assistance of Stephen Dalesio, 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.

**A. The Class, the Class Representatives, and Class Counsel**

Solely for the purposes of the Settlement, the parties have agreed to certification of the Settlement Class, which consists of three subclasses defined as:

- Property Inspection Subclass: those borrowers identified in discovery to whom HNB assessed one or more property inspection fees. Discovery has revealed and the parties agree that HNB charged property inspection fees to approximately 1,600 accounts from April 24, 2019 through September 30, 2023.
- Post Acceleration Statements Subclass: those borrowers identified in discovery to whom HNB, after accelerating their loan, issued a demand or billing statement that contained an amount due of less than the full accelerated balance of the loan. Discovery has revealed and the parties agree that approximately 200 such accounts were impacted during this period from April 24, 2019 through November 15, 2023.
- Attorney Fees Subclass: those borrowers identified in discovery to whom HNB assessed fees coded as attorney's fees. Discovery has revealed and the parties agree that HNB charged attorney's fees to approximately 80 accounts from April 24, 2019 through September 30, 2023.

The Court appoints Teresa Keeling and Kevin Keeling as Class Representatives for the proposed Settlement Class. The Court appoints the following attorneys as Class Counsel:

Jason Causey  
BORDAS & BORDAS, PLLC

Benjamin Sheridan  
Jed Nolan  
KLEIN & SHERIDAN, LC

**B. Preliminary Approval of Settlement**

Under the Settlement, subject to the terms and conditions therein and subject to Court approval, Plaintiffs and the proposed Settlement Class would fully, finally, and forever resolve, discharge and release their claims in exchange for an agreement for HNB to waive property inspection and attorney's fees in the approximate amount of \$158,000 (the "Waived Fees"), to refund attorney's fees in the approximate amount of \$30,000 the ("Refunded Fees"), and to pay \$535,000.00 (the "Cash Payment") to create a common fund to benefit the Settlement Class. The

Waived Fees, the Refunded Fees, and the Cash Payment together equal \$723,000, the “Total Settlement Amount.” The common fund consists solely of the Cash Payment and will be used to pay class member damages, which will be allocated on a pro rata basis per account after payment of Plaintiffs’ attorney’s fees and expenses, administrative costs, and the incentive awards to the Class Representatives. The Total Settlement Amount is inclusive of all attorney’s fees and expenses and service awards to Plaintiffs, 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, Stephen Dalesio. 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 Class, 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.

C. Approval of Notice and Notice Program and Direction to Effectuate Notice

The Parties have agreed that Plaintiffs’ counsel will select a Settlement Administrator with respect to whom HNB has a five-business-day right of refusal upon notification of selection and proffering of the proposed agreement with the Settlement Administrator by Plaintiffs’ counsel.

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 11 of the Settlement, is the best practicable under the circumstances. The Notice program is reasonably calculated under the circumstances to apprise the Settlement Class of the pendency of the Action, the terms of the Settlement, Class Counsel's Fee Application and request for a service award for Plaintiffs, and their rights to opt-out of the Settlement Class and object to the Settlement. The Notice and Notice program constitute sufficient notice to all persons entitled to notice. The Notice and Notice program satisfy all applicable requirements of law, including, but not limited to, Federal Rule of Civil Procedure 23(c) and the Constitutional requirement of due process.

Pursuant to the terms of the Settlement, HNB is required to supply an electronic list in excel format to the Settlement Administrator containing the names, last known addresses, and social security numbers of each Class Member, to the extent available from HNB's records.

Within twenty-one (21) days following entry of this Order, the Settlement Administrator shall mail the Notice by first class United States mail to the last known address for each member of 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 common fund.

#### D. Final Approval Hearing, Opt-Outs, and Objections

The Court **DIRECTS** that a Final Approval hearing shall be at least 112 days from the entry of this Order and is scheduled for June 10, 2025, at 10 a.m. The purpose of the

hearing is 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 Plaintiffs should be granted.

The Court directs that any person within the Settlement Class definition who wishes to be excluded from the Settlement Class may exercise the right to opt-out of the Settlement Class 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:

- (a) identify the case name;
- (b) identify the full name and current address of the person requesting exclusion;
- (c) be personally signed by the person requesting exclusion; and
- (d) contain a statement that indicates a desire to be excluded from the Settlement Class, such as "I hereby request that I be excluded from the proposed Settlement Class in the Action."

The Opt-Out Deadline shall be twenty-eight (28) days prior to the Final Approval Hearing, and shall be specified in the Notice. All persons within the Settlement Class definition who do not timely and validly opt-out of the Settlement Class shall be bound by the terms of the Settlement.

The Court further directs that any person in the Settlement Class who does not timely and validly opt-out of the Settlement Class may object to the Settlement, Class Counsel's Fee Application and/or the request for service awards for Plaintiffs. 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 HNB'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 (28) days before the Final Approval Hearing, as specified in the Notice and shall include: (a) the case name and number; (b) the name, address, telephone number of the Settlement Class Member objecting and, if represented by counsel, of his/her counsel; (c) the basis for objection; and (d) a statement of whether he/she intends to appear at the Final Approval Hearing, either with or without counsel.

E. Further Papers In Support Of Settlement and Fee Application

Plaintiffs shall file their Motion for Final Approval of the Settlement no later than fourteen days prior to the Final Approval Hearing. Class Counsel shall file their Fee Application and request for service awards for Plaintiffs no later than forty-two (42) days prior to the Final Approval Hearing.

F. 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 Released Claims.

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

- The Settlement Administrator shall mail the Notice no later than twenty-one (21) days from the date of this Order (the “Notice Date”);

- 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;
- Settlement Class Members must file requests for exclusion from the Settlement no later than twenty-one (21) days prior to the Final Approval Hearing;
- Plaintiffs shall file their Motion for Final Approval of the Settlement no later than fourteen (14) days prior to the Final Approval Hearing;
- Plaintiffs and Class Counsel shall file their Fee Application and Request for a service award for Plaintiffs, no later than forty-two (42) days prior to the Final Approval Hearing; and
- The Final Approval Hearing will be held (approximately) 112 days after entry of this Order, on June 10, 2025, at 10 a.m. in the Courtroom of the Honorable Robert Chambers, United States Courthouse, 845 Fifth Avenue, Huntington, WV 25701.

Jointly Agreed to and Submitted By:

/s/ Jason E. Causey

Jason E. Causey (WVSB #9482)  
BORDAS & BORDAS, PLLC  
1358 National Road  
Wheeling, WV 26003  
(304) 242-8410

Benjamin Sheridan (WVSB #11296)  
Jed Nolan (WVSB #10833)  
KLEIN & SHERIDAN, LC  
3566 Teays Valley Road  
Hurricane, WV 25525  
(304) 562-7111

Counsel for Plaintiffs and the  
Settlement Class

/s/ Elizabeth Zwickert Timmermans

Elizabeth Zwickert Timmermans  
MCGUIREWOODS LLP  
501 Fayetteville Street  
Suite 500  
Raleigh, NC 27601  
(919) 755-6576

Matthew L. Ward (WVSB #11903)  
DINSMORE & SHOHL  
P. O. Box 2185  
Huntington, WV 25701  
(304) 529-6181

Counsel for Defendant The  
Huntington National Bank

IT IS SO ORDERED.

Dated: February 11, 2025

A handwritten signature in black ink, appearing to read "Robert H. Chambers". The signature is fluid and cursive, with the first name "Robert" and last name "Chambers" clearly legible.

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Honorable Robert Chambers

cc: All Counsel of Record