

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

PHILLIP DECOHEN, \*

On his own behalf and on behalf of all \*  
Others similarly situated, \*

Plaintiff, \*

v. \* Case No. 1:10-cv-03157-WDQ

CAPITAL ONE, N.A., *et al.*, \*

Defendants. \*

\* \* \* \* \*

**AMENDMENT TO ORDER PRELIMINARILY APPROVING SETTLEMENT,  
CERTIFYING CLASS FOR SETTLEMENT PURPOSES,  
APPOINTING CLASS COUNSEL AND SETTLEMENT ADMINISTRATOR,  
AND SETTING SCHEDULE WITH RESPECT TO NOTICE,  
SETTLEMENT HEARING AND ADMINISTRATION**

After review and consideration of the parties' joint Motion to Amend Order Preliminarily Approving Settlement, Certifying Class for Settlement Purposes, and with Respect to Notice, Settlement Hearing and Administration, THIS COURT ORDERS that paragraph 22 of the Court's January 13, 2014 Order (D.E. 78) is amended to read as follows:

22. Any Class Member who does not opt-out of the Settlement may appear at the Settlement Hearing in person or by counsel, if any appearance is filed and served as provided in the Class Notice, and will be heard to the extent allowed by the Court in support of, or in opposition to, the fairness, reasonableness and adequacy of the proposed Settlement, the entry of any final Order or Judgment in the case, petitions for attorneys' fees and for reimbursement of expenses by Representative Plaintiff's counsel, or other related matters. Provided, however, that no person shall be permitted to intervene or otherwise be heard in opposition to the proposed

Settlement, and, if approved, the judgment entered thereon, or to the requested award of attorneys' fees and reimbursement of expenses, and no papers or briefs submitted by any person shall be accepted or considered by the Court unless, not later than March 31, 2014, such person has:

- (a) filed with the Clerk of the Court a notice of such person's intention to intervene or otherwise appear together with a statement that indicates the basis for such intervention or opposition along with any supporting documentation;
- (b) served copies of such notice, statement and documentation, together with copies of any other papers or briefs that such person files with the Court, either in person or by mail, upon Representative Plaintiff's counsel, and upon Defendant's counsel at the following addresses:

To Representative Plaintiff's Counsel:

Benjamin H. Carney  
Gordon & Wolf, Chtd.  
102 W. Pennsylvania Ave., Suite 402  
Towson, Maryland 21204


To Defendants' Counsel:

Bryan A Fratkin  
McGuireWoods LLP  
One James Center  
901 E Cary St  
Richmond, VA 23219

- (c) otherwise complied with the Settlement Agreement and Notice for purposes of such hearing.

IT IS SO ORDERED

Dated: Jan 24, 2014.

  
\_\_\_\_\_  
Hon. William D. Quarles  
Judge, U.S. District Court for the  
District of Maryland

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Dated: \_\_\_\_\_, 2014.

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Hon. William D. Quarles  
Judge, U.S. District Court for the  
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