

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

BARIS ARIN, SKYLAR LESKO, and KIM
LONG, individually and on behalf of all
others similarly situated;

Plaintiffs,

v.

RIVERSET CREDIT UNION; AND BRIAN
HAENZE d/b/a AUTO GALLERY &
ACCESSORIES and as TAG TOWING
AND COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION
The Honorable Philip A. Ignelzi

No. GD-18-12065

**PLAINTIFFS' UNOPPOSED
MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

Kelly K. Iverson
(Pa. ID No. 307175)
Elizabeth Pollock-Avery
(Pa. ID No. 314841)
Patrick D. Donathen
(Pa. ID No. 330416)
LYNCH CARPENTER LLP
1133 Penn Ave., 5th Floor
Pittsburgh PA, 15222
P: 412.322.9243
Kelly@lcllp.com
Elizabeth@lcllp.com
Patrick@lcllp.com

Joshua P. Ward
(Pa. ID No. 320347)
J.P. WARD & ASSOCIATES, LLC
201 S. Highland Ave, #201
Pittsburgh, PA 15206
P: 412.545.3016
jward@jpward.com

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

BARIS ARIN, SKYLAR LESKO, and KIM
LONG, individually and on behalf of all
others similarly situated;

Plaintiffs,

v.

RIVERSET CREDIT UNION; AND BRIAN
HAENZE d/b/a AUTO GALLERY &
ACCESSORIES and as TAG TOWING AND
COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION
The Honorable Philip A. Ignelzi

No. GD-18-12065

**PLAINTIFFS’ UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Baris Arin, Skylar Lesko, and Kim Long (collectively, “Plaintiffs” or “Settlement Class Representatives”) respectfully move this Court for an order: (1) granting final approval of the proposed Class Action Settlement Agreement and Release (“Settlement” or “SA”)¹ between themselves and Riverset Credit Union (“Riverset”); (2) finally certifying a class action for purposes of settlement; and (3) entering final judgment as to the claims raised in this action. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs incorporate by reference, as if fully set forth herein, their allegations and arguments in their Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Class Certification, and For Authorization of Class Notice, and supporting exhibits, filed on April 10, 2023. (Doc. 48 & 49).

¹ The Settlement is attached to Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Class Certification, and for Authorization of Class Notice (Doc. 49) as Exhibit A.

2. Plaintiffs incorporate by reference, as if fully set forth herein, their allegations and arguments in their Application for Attorneys' Fees, Costs, and Expenses, Including Costs of Settlement Administration, and Service Awards to Representative Plaintiffs, and supporting exhibits, filed on July 26, 2023. (Doc. 53–55).

3. Plaintiffs submit and explain further in their accompanying brief in support of this motion, that the facts and circumstances regarding the proposed Settlement have not materially changed in the time since the Court entered its preliminary approval order on May 1, 2023.

4. After the entry of that order, the Parties and the approved Settlement Administrator (Analytics Consulting, LLC) proceeded to disseminate Settlement Notice to Settlement Class Members in accordance with the Parties' court-approved notice plan.

5. Plaintiffs submit a detailed description of the results of the notice plan in their accompanying brief, and in the Declaration of the Settlement Administrator, attached hereto as **Exhibit 1**.

6. The notice plan has been successful, resulting in delivery of at least one form of notice to thirty-five (35) Settlement Class Members.

7. The deadline for Settlement Class Members to file a claim, request exclusion from the Settlement, or to file an objection to the Settlement was August 9, 2023.

8. To date, five (5) Settlement Class Members have filed claims.

9. To date, zero (0) Settlement Class Members have objected to the Settlement.

10. To date, there have been zero (0) requests for exclusion submitted.

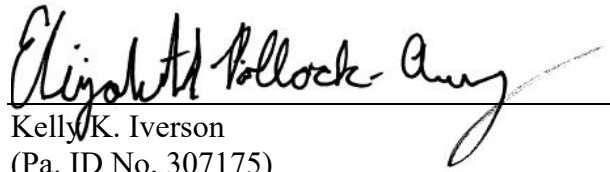
11. If these numbers change as a result of any belated submissions by Settlement Class Members, Settlement Class Counsel will provide an update to the Court at the fairness hearing.

12. Settlement Class Counsel will appear at the fairness hearing and will be prepared to address any questions or concerns from the Court.

WHEREFORE, Plaintiffs respectfully request that the Court, upon completion of the fairness hearing, enter the Parties' proposed Final Order and Judgment, in the form attached as Exhibit 2 to the proposed Settlement. (Doc. 49).

Dated: September 15, 2023

Respectfully submitted,



Kelly K. Iverson
(Pa. ID No. 307175)
Elizabeth Pollock-Avery
(Pa. ID No. 314841)
Patrick D. Donathen
(Pa. ID No. 330416)
LYNCH CARPENTER LLP
1133 Penn Ave., 5th Floor
Pittsburgh PA, 15222
P: 412.322.9243
Kelly@lcllp.com
Elizabeth@lcllp.com
Patrick@lcllp.com

Joshua P. Ward
(Pa. ID No. 320347)
J.P. WARD & ASSOCIATES, LLC
201 S. Highland Ave, #201
Pittsburgh, PA 15206
P: 412.545.3016
jward@jpward.com

Attorneys for Plaintiffs and the Settlement Class

Exhibit 1

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

BARIS ARIN, SKYLAR LESKO, and KIM
LONG, individually and on behalf of all
others similarly situated;

Plaintiffs,

v.

RIVERSET CREDIT UNION; AND BRIAN
HAENZE d/b/a AUTO GALLERY &
ACCESSORIES and as TAG TOWING AND
COLLISION,

Defendants.

CIVIL DIVISION – CLASS ACTION
The Honorable Philip A. Ignelzi

No. GD-18-12065

**DECLARATION OF SETTLEMENT ADMINISTRATOR
IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Johanna Olson, pursuant 18 Pa. C.S.A. § 4904, hereby declare as follows:

1. I am over the age of twenty-one. I am competent to give this declaration. This declaration is true and correct to the best of my knowledge, information and belief.

2. I am currently a Project Manager for Analytics Consulting, LLC (“Analytics”), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years, range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

3. Analytics’ clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in their settlements/distribution funds.

4. In my capacity as Project Manager, I count among my duties responsible for matters relating to the Settlement Administration for the above-captioned litigation.

5. Analytics received partial data files for potential Settlement Class Members on May 12, 2023, containing 58 records (hereinafter “Class Data”). The Class Data fields included names, make and model of vehicle, color of vehicle, the vehicle’s state (if it the license plate was not marked as Pennsylvania), and the date of tow. However, the data was incomplete on several records in the Class Data and Settlement Class Counsel further informed Analytics that the list did not contain data on all potential Settlement Class Members.

6. Using the information identified in the Class Data, Analytics was able to determine the mailing addresses of 32 Settlement Class Members by contracting with one mail append

service who researched the data submitted, (first and last names) and the assumed location of Pittsburgh, Pennsylvania.

7. Using the information identified in the Class Data, Analytics was able to determine the mailing addresses of 32 Settlement Class Members by contracting with one mail append service who researched the data submitted, (first and last names) and the assumed location of the greater Pittsburgh, Pennsylvania area.

8. Upon completion of data processing as described, there were 32 records with data sufficient to send notice to and 26 records with data insufficient to send notice to.

9. On June 9, 2023, Analytics mailed the approved Settlement Notice to 35 Settlement Class Members (who had sufficient data) including two (2) named Plaintiffs for whom Settlement Class Counsel provided contact information for. On June 13, 2023 we received the mailing address of the third named Plaintiff from Settlement Class Counsel, thus totaling the mailing of the Settlement Notice to 35 Settlement Class Members.

10. On June 9, 2023, Analytics established a dedicated website—<https://riversettagtowingsettlement.com/>. This website contains links to pdf images of the Settlement Agreement, Motion for Preliminary Approval, Brief in Support of Motion for Preliminary Approval, Order Granting Preliminary Approval, Notice, Fee Application, and Brief in Support of Fee Application. The website also provides information about the proposed settlement, including contact information for the Settlement Administrator, and important dates under the Settlement.

11. On June 9, 2023, Analytics established an email address, info@RiversetTAGTowingSettlement.com, offering Settlement Class Members the ability to contact the Settlement Administrator with questions concerning the Settlement.

12. On June 11, 2023 and June 15, 2023, publication notice consistent with a copy of **Exhibit A** was published in the Pittsburgh Post-Gazette's print edition and also published in the Pittsburgh Post-Gazette's online edition between June 11 and June 17, 2023.

13. On June 14, 2023, publication notice consistent with a copy of **Exhibit B** was published in the Pittsburgh City Paper's print edition and also published on the Pittsburgh City Paper's website between June 14 and June 20, 2023.

14. Through the date of this Declaration, zero (0) Settlement Notices were returned to Analytics by the U.S. Postal Service with a forwarding address. Analytics updated the Class List with the forwarding address and processed a re-mail of the Settlement Notices to the updated address.

15. Through the date of this Declaration, twelve (12) Settlement Notices were returned to Analytics by the U.S. Postal Service without a forwarding address. Analytics conducted a skip trace in an attempt to ascertain a valid mailing address for the affected Settlement Class Members. As a result of these efforts, six (6) new mailing addresses were identified for Settlement Class Members. Two (2) were also discovered to be deceased. Analytics subsequently updated the Class List with the new address and processed a re-mail of the Settlement Notice to each of the affected Settlement Class Members.

16. On July 10, 2023, Analytics mailed reminder postcards to the 33 Settlement Class Members who had yet to submit a claim before the August 9, 2023 deadline.

17. The deadline for Settlement Class Members to file claims was August 9, 2023. To date, Analytics has received five (5) valid claims, which amounts to a claims rate of approximately 14% of Settlement Class Members who were mailed the Settlement Notice.


18. The deadline for Settlement Class Members to object to the Settlement was August 9, 2023. To date, Analytics has received zero (0) objections to the Settlement.

19. The deadline for Settlement Class Members opt out of the Settlement was August 9, 2023. To date, Analytics has received zero (0) requests to opt out of the Settlement.

20. Based on the number of Settlement Class Members who have opted-out of the Settlement, Settlement Checks valued at \$2,650.00 will be sent to 5 Settlement Class Members following final approval of the Settlement.

21. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2023
In Chanhassen, Minnesota



Johanna Olson

Exhibit A

**NOTICE OF PROPOSED
SETTLEMENT AND RIGHT
TO OPT-OUT**

A Court authorized this Notice.
This is not a solicitation from a
lawyer.

The Court of Common Pleas of Allegheny County, Pennsylvania, in an action titled Baris Anin, Skylar Lesko, and Kim Long, individually and on behalf of all others similarly situated v. Riverset Credit Union; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision, GD-18-12065, has preliminarily approved a class action settlement. Class members are: all owners or operators whose passenger cars, light trucks, or motorcycles, and scooters were non-consensually towed from the parking lot located at 53 South 10th Street, Pittsburgh, PA 15203 by Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision between June 1, 2017 and November 5, 2018, and who, as a result were charged and paid a fee in excess of the limits then set by 5 Pittsburgh Code §§ 525.05.

This notice is a summary of your legal rights. You should visit

visit www.RiversetTAGTowingSettlement.com for full details. If you qualify as a Class Member you have the following choices which you must select by the deadlines below:

Option

Deadline

Description

Submit a Claim Form

To be eligible to receive a pro-rata cash payment of the Settlement benefits. See www.RiversetTAGTowingSettlement.com for details and claim form.

Do Nothing

N/A

You will remain in the class and be bound by the Courts orders but will not receive a cash payment.

Exclude Yourself

You may exclude yourself from the Class. You will not receive a cash payment. You will not be bound by any Court orders. You will retain any claims you may have. **You must deliver timely notice to exclude yourself as described at www.RiversetTAGTowingSettlement.com**

Object (And you may attend hearing)

You may object and explain to the Court why you think the class action settlement should not be approved. You must file and serve objections to the Settlement as described at www.RiversetTAGTowingSettlement.com.

• [Order / Ad 7](#)

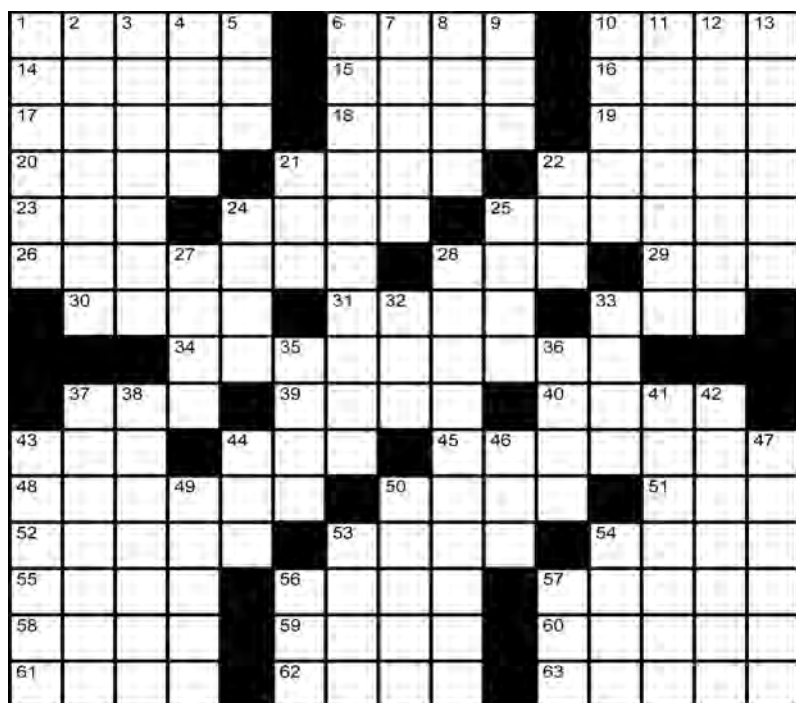
Figure 1

Singer

Exhibit B

TWICE AS NICE

BY BRENDAN EMMETT QUIGLEY // BRENDANEMMETTQUIGLEY.COM



ACROSS

1. Sellout sign?
6. Food
10. Be mad as hell
14. Jockey rival
15. Tropical lifestyle clothing brand
16. Aviator Lindbergh
17. As thin as ____
18. Word in proofs
19. Sour note from a horn
20. Launches, as an app
21. Hilton hotel chain
22. Restaurant kitchen entrance, often
23. Apple sales woman?
24. They're just for fun
25. For crying out loud!
26. Antiquated ways to go surfing
28. "Yo, dog"
29. High season in Riviera
30. Slovenly one
31. Nasty funk
33. Boston skyscraper, with "The"
34. Have trouble focusing, and what you will do literally in two rows in this puzzle
37. WWII vessel
39. Some rideshare rides
40. Time to give up
43. Puddlejumper's flight

44. Curling muscles
45. Mortgage accounts
48. Yachtsman's rope
50. Beats it, like a crook
51. Actress Vardalos
52. Mole
53. Messy classic kids game show
54. They sleep couples
55. Haines of *The View*
56. Plot of land
57. Stew server
58. Finnish tennis player Ruusuvuori
59. Costs of membership
60. Make a few changes
61. Scottish Loch
62. Lover's fight
63. Walks with heavy feet

DOWN

1. Engaged in discussion
2. One in a million
3. How some court cases are won
4. Journalist Bari
5. Antiquated way to go surfing
6. Soft drinks with a fruity flavor
7. New additions to the payroll
8. "Well how about that!"
9. *Extraordinary At-*

- torney ____ (Netflix K-Drama)
10. Primate with a long muzzle
11. Passive spectator
12. Back-to-back Best Director winner Alejandro González ____
13. "Hmmm...."
21. Sporty car roof
22. June 6, 1944
24. Tire part
25. Tarragon or turmeric
27. Out of sight?
28. Incarceration with an ankle monitor, maybe
32. Put on
33. Member of a jury
35. Cruel beyond words
36. Alternatives to S-Corps

37. Phase of golf that involves driving
38. *Wayne's World* director Penelope
41. "Don't even bother"
42. Spun idly, as thumbs
43. *Tourist Season* author Carl
44. Can
46. *Peter Pan* pirate
47. Those showing attitude
49. Historical records
50. Orange is a part of it
53. Rather sizable brassiere measurement
54. Nugs play it
56. They come with buy lines
57. Once around the circuit

LAST WEEK'S ANSWERS



MESSAGE

M2M Massage by Lee
Lean athletic shape. 24/7
• 412-628-1269

Man Massage
by Damon
412-961-1971

Advertise in City Paper.
Call 412.685.9009

STUDY

SMOKERS WANTED

The University of Pittsburgh's Alcohol & Smoking Research Lab is looking for people to participate in a research project. You must:

- Currently smoke cigarettes
- Be 18-49 years old, in good health, and speak fluent English
- Be right handed, willing to not smoke before two sessions, and to fill out questionnaires

Earn up to \$260 for participating in this study.

For more information, call (412) 407-5029

ESTATE NOTICE

ESTATE OF RAUSCH, LILLIAN H., DECEASED OF PITTSBURGH, PA

Lillian H. Rausch, a/k/a Lillian Hilda Rausch, deceased of Pittsburgh, PA No. 03262 of 2023. Joan R. Tomlinson, Ext. 2802
Houston Street, Pittsburgh, PA 15212.

ESTATE NOTICE

ESTATE OF ABRASHEFF, BORIS, DECEASED OF CLAIRTON, PA
Boris Abrasheff, deceased of Clairton, PA No. 022303962 of 2023. Nanette Shafron, Ext. 129 Gillcrest Drive, Jefferson Hills, PA 15025. Or to D. Scott Lautner, Attorney, 68 Old Clairton Road, Pittsburgh, PA 15236.

IF THE  OR 

DRIPS ITCHES OR BURNS

CALL



CENTRAL OUTREACH
WELLNESS CENTER

 **855-5-WE-CARE**

PUBLIC NOTICE

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT-OUT

A Court authorized this Notice. This is not a solicitation from a lawyer.

The Court of Common Pleas of Allegheny County, Pennsylvania, in an action titled *Baris Arin, Skylar Lesko, and Kim Long, individually and on behalf of all others similarly situated v. Riverset Credit Union; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-12065, has preliminarily approved a class action settlement. Class Members are: all owners or operators whose passenger cars, light trucks, or motorcycles, and scooters were non-consensually towed from the parking lot located at 53 South 10th Street, Pittsburgh, PA 15203 by Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision between June 1, 2017 and November 5, 2018, and who, as a result were charged and paid a fee in excess of the limits then set by 5 Pittsburgh Code §§ 525.05.

This notice is a summary of your legal rights. You should visit www.RiversetTAGTowingSettlement.com for full details. If you qualify as a Class Member you have the following choices which you must select by the deadlines below:

OPTION	DEADLINE	DESCRIPTION
SUBMIT A CLAIM FORM	Wednesday, August 9, 2023	To be eligible to receive a pro rata cash payment of the Settlement benefits. See www.RiversetTAGTowingSettlement.com for details and claim form.
DO NOTHING	N/A	You will remain in the class and be bound by the Court's orders, but will not receive a cash payment.
EXCLUDE YOURSELF	Wednesday, August 9, 2023	You may exclude yourself from the Class. You will not receive a cash payment. You will not be bound by any Court orders. You will retain any claims you may have. You must deliver timely notice to exclude yourself as described at www.RiversetTAGTowingSettlement.com .
OBJECT (AND YOU MAY ATTEND HEARING)	Wednesday, August 9, 2023	You may object and explain to the Court why you think the class action settlement should not be approved. You must file and serve objections to the Settlement as described at www.RiversetTAGTowingSettlement.com .

CERTIFICATE OF SERVICE

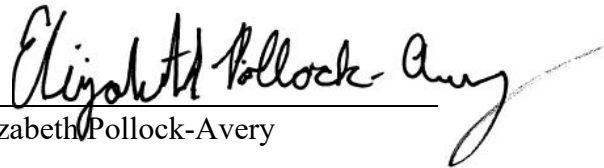
I hereby certify that on September 15, 2023, the foregoing was served by email and/or mail
on the following:

Jeanne W. Sopher
Litchfield Cavo, LLP
600 Stanwix Street, 10th Floor
Pittsburgh, PA 15222
Sopher@LitchfieldCavo.com

Counsel for Riverset Credit Union

Brian Haenze
5945 Buttermilk Hollow Road
Pittsburgh, PA 15207

Owner/Operator of Auto Gallery and Accessories and Tag Towing and Collision


Elizabeth Pollock-Avery