

KW 51,936

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PRINCESS NOBLES, et al.,

Plaintiffs,

VS.

ASSOCIATES CORPORATION OF  
NORTH AMERICA, et al.,

Defendants.

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\* 94-T-699-N  
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CLASS CERTIFICATION ORDER

Based on the evidence adduced at the hearing on the motion for class certification and plaintiffs' substituted motion to certify an Alabama class, the following class is hereby CERTIFIED pursuant to Fed.R.Civ.P. 23(b)(3):

"All persons (except federal justices, judges, their spouses or persons within the third degree of relationship to them or the spouse of such a person) who, on or after May 17, 1990, (a) - financed in whole or in part purchases of goods from merchants in the State of Alabama, or (b) entered into a loan transaction with a finance company in the State of Alabama which was secured in whole or in part by good - and in connection with such financing paid a fee charged by the merchant or lender as "non-filing insurance" evidenced on a loan document as a portion of the "amount financed," provided that:

1. The documents embodying the transaction(s) were entered into or assigned to one of the remaining defendants in this case;
2. The lien or non-filing charge, fees, or premiums were

2. The lien or non-filing charge, fees, or premiums were collected by, paid to, or forwarded to one of the remaining defendants in this lawsuit;
3. The class member is alive on the date of the final judgment to be entered in this action;
4. The class member is not in default, in bankruptcy, subject to arbitration or the affirmative defense or release, an individual plaintiff or a member of a previously certified class action with respect to the transactions and lien or nonfiling issue involved in this case.

The Court declines to certify a class under the Truth In Lending Act, 15 U.S.C. § 1649 et seq. ("TILA"), in view of the TILA Amendments of 1995, PL. 104-29, 109 Stat. 271, and more particularly section 139 thereof. The denial of a TILA subclass is without prejudice to the right of the named plaintiffs to proceed on their individual TILA claims.

Within thirty (30) days of the date of this Order, class counsel shall provide Notice to The Class, complying with the requirements of Fed.R.Civ.P. 23(c)(2). Within ten (10) days of this Order, class counsel shall provide to defendants' counsel and the court a draft of the proposed notice.

DONE this 23<sup>rd</sup> day of April, 1996.

  
UNITED STATES DISTRICT JUDGE  
U.W. CLEMON