

FILED

Clerk

District Court

AUG 27 2026

for the Northern Mariana Islands

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

By

(Deputy Clerk)

MARTIN DELA CRUZ JR.,
MARTIN DELA CRUZ, and
CHRISTOPHER LEEDEL RIO,
on behalf of themselves and all other
persons similarly situated,

Plaintiffs,

v.

PACIFIC RIM LAND
DEVELOPMENT, LLC,

Defendant.

Case No. 1:24-cv-00009

**ORDER GRANTING
FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

On May 27, 2026, the Court issued an Order Granting First Amended Joint Motion for (1) Preliminary Approval of Settlement, (2) Setting of Final Approval Hearing, and (3) Approval of Notice Place (ECF No. 72). Therein, the Court found that the Parties had shown that the Court will likely be able to approve their class action settlement agreement, set a final approval hearing for August 27, 2026, and authorized the Parties to notify identified and potential class members. Subsequently, on August 20, 2026, class counsel filed a Certification Regarding Service Efforts and Opt-Outs (ECF No. 75), in which he declared under penalty of perjury that notice was indeed mailed and posted in accordance with the Court's Order Granting First Amended Joint Motion and that he and his former law firm have not received any request to opt-out of the class action or any other communication regarding the class action. (*See also* Cert. Regarding Serv. Efforts & Opt-Outs ¶¶ 11-13 (representing that class counsel left the law firm on June 30, 2026 and that he was

1 subsequently informed by law firm staff that the law firm did not receive any mail or other
2 document concerning the class action), ECF No. 75.)

3 On August 27, 2026, class counsel, the three named class representatives, and Defendant's
4 counsel appeared before the Court for the final approval hearing. In addition, one identified class
5 member appeared in the gallery. Class counsel requested to amend the settlement agreement to
6 permit his current law firm, as opposed to his former law firm, to process the settlement payments.
7 Defendant stated that it did not have an objection; however, Defendant expressed concern about
8 maximizing the reach of notice of the settlement to all seventy-six class members. The Court heard
9 from all Parties concerning efforts to locate and notify class members before orally granting final
10 approval of the settlement and indicating a written order would follow. The Court further directed
11 class counsel to update the notice on his former law firm's website to direct class members to his
12 new law firm, and to include such notice on his new law firm's website.

13 Under Rule 23 of the Federal Rules of Civil Procedure, a class action "may be settled,
14 voluntarily dismissed, or compromised only with the court's approval." Fed. R. Civ. P. 23(e). A
15 court

16 may approve [a settlement proposal] only after a hearing and only
17 on finding that it is fair, reasonable, and adequate after considering
whether:

18 (A) the class representatives and class counsel have adequately
19 represented the class;

20 (B) the proposal was negotiated at arm's length;

21 (C) the relief provided for the class is adequate, taking into
account:

22 (i) the costs, risks, and delay of trial and appeal;

23 (ii) the effectiveness of any proposed method of distributing
24 relief to the class, including the method of processing class-
member claims;

(iii) the terms of any proposed award of attorney's fees, including timing of payment; and

(iv) any agreement required to be identified under Rule 23(e)(3) [*i.e.*, "any agreement made in connection with the proposal," Fed. R. Civ. P. 23(e)(3)]; and

(D) the proposal treats class members equitably relative to each other.

Fed. R. Civ. P. 23(e)(2).

Here, in view of class counsel's Certification Regarding Service Efforts and Opt-Outs (ECF No. 75), the Parties' representations and the presence of the three named class representatives and one class member at the final approval hearing, and the lack of any objection or other new information bearing on whether the settlement agreement is fair, reasonable, and adequate, the Court finds that final approval of the settlement agreement is appropriate for the same reasons supporting preliminary approval, as set forth in the Court's Order Granting First Amended Joint Motion (ECF No. 72). (*See* Order Granting 1st Am. Joint Mot. 5-6 (finding class counsel and class representatives had adequately represented the class and the settlement agreement was negotiated at arm's length); *id.* at 6-8 (finding that the settlement agreement provided adequate relief and equitable treatment of all class members).) Accordingly,

(1) The Parties' proposed class action settlement, the terms of which are set forth in Exhibit A to the Parties' First Amended Joint Motion (ECF No. 70-1), is APPROVED, subject to the following amendments:

- a. Distribution of the settlement proceeds, including processing of claims, shall be handled by the **Nie Law Firm, LLC**, located at Unit 2A, Rita's Building, 3854 Beach Road in Garapan, Saipan, 96950, **in lieu of Banes Horey & Miller, LLC**.
- b. **All further notice to class members and claimants in this matter**, including the notice to be "published in the newspaper and published online notifying [class

members and claimants] to make a claim within six (6) months” (Settlement Agreement 2, ECF No. 70-1), **shall direct class members and claimants to the Nie Law Firm, LLC.**

(2) Class counsel is directed to post notice on the website of the Nie Law Firm, LLC, in accordance with the terms of the Settlement Agreement.

(3) Class counsel is directed to modify the notice posted on the website of Baner Horey & Miller, LLC, to include information directing class members and claimants to the Nie Law Firm, LLC.

(4) Class counsel will file his status report on distribution of the settlement proceeds by **March 11, 2027**. Should distribution be completed prior to that date, in accordance with the Settlement Agreement, class counsel will file his report on completion of distribution forthwith and the Parties will file a stipulation of dismissal of this action.

IT IS SO ORDERED this 27th day of August, 2026.



RAMONA V. MANGLONA
Chief Judge