

Kurt Holzer [ISB No. 4557]
HEPWORTH HOLZER, LLP
537 W. Bannock Street
P.O. Box 2582
Boise, ID 83701-2582
Telephone: (208) 343-7510
Facsimile: (208) 342-2927
kholzer@hepworthholzer.com

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Fourth Judicial District, Elmore County
Shelley Essl, Clerk of the Court
By: Deputy Clerk - Furst, Heather

Lynn A. Toops (to seek admission *pro hac vice*)
Lisa M. La Fornara (*pro hac vice*)
Tyler B. Ewigleben (to seek admission *pro hac vice*)
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
Telephone: (317) 636-6481
ltoops@cohenandmalad.com
llaifornara@cohenandmalad.com
tewigleben@cohenandmalad.com

Sophia Gold (pending admission *pro hac vice*)
KALIELGOLD PLLC
1100 15th Street NW, 4th Floor
Washington, D.C. 20005
Telephone: (202) 350-4783
sgold@kalielgold.com

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

* * * * *

CYNTHIA LOPEZ, on behalf of herself and)
all others similarly situated,) Case No. CV20-20-00568
Plaintiff,)
vs.) **ORDER GRANTING PLAINTIFF'S
PIONEER FEDERAL CREDIT UNION,) MOTION FOR CLASS
Defendant.) CERTIFICATION**
)
)
)

This matter is before the Court on Plaintiff's Motion for Class Certification pursuant to Idaho Rule of Civil Procedure 77. Specifically, Plaintiff moved this Court for an order certifying this case as a class action, appointing Plaintiff as Class Representative, and appointing Plaintiff's counsel as Class Counsel. For the reasons stated herein, Plaintiff's motion is GRANTED.

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. Plaintiff has shown that the Class contains thousands of accountholders. The Court finds that Rule 77(a)(1)'s numerosity requirement is satisfied.

2. Plaintiff has established that Pioneer uses form contract documents and standardized fee practices that are applied consistently to all members' accounts. The Court thus finds that Rule 77(a)(2)'s commonality element is satisfied.

3. Plaintiff was charged overdraft fees pursuant to the same standardized fee practice as all other Class members and her account was governed by the same form contract documents as all other Class members. The Court thus finds that Plaintiff's claims are typical of other Class members and Rule 77(a)(3)'s typicality element is satisfied.

4. Plaintiff has established that she and her counsel have no interests that are adverse to the interests of the Class and that Plaintiff and her counsel are committed to vigorously litigating this case. The Court thus finds that Rule 77(a)'s adequacy requirement is satisfied.

5. Plaintiff and the Class members' claims rest on identical questions of fact and law such as whether Pioneer assessed overdraft fees on transactions that did not overdraw the account and whether such fees breached Pioneer's contract or were deceptive in violation of the Idaho Consumer Protection Act. The Court thus finds that Rule 77(b)(3)'s predominance requirement is satisfied.

6. There is no evidence that individual Class members wish to control this case, there are no other pending cases involving the claims at issue in this litigation, certification of this action is desireable because it preserves the resources of the parties and the Court, and the claims of Plaintiff and the Class are manageable by the parties and the Court. The Court therefore finds that Rule 77(b)(3)'s superiority requirement is satisfied.

7. The Court thus CERTIFIES the following Class:

All citizens of Idaho who, from January 16, 2014 forward, were charged an Overdraft Fee on an item that did not overdraw the account balance on Pioneer's monthly account statements.

8. Plaintiff is hereby appointed as Class Representative and her counsel is appointed as Class Counsel.

9. Within thirty (30) days of this Order, Pioneer shall produce the data necessary to identify and provide notice to all Class members.

SO ORDERED this ____ day of _____, 2022.


3/10/2022 1:17:07 PM
Hon. Jonathan Medema
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be served a true copy of the foregoing document, by the method indicated below, and addressed to each of the following:

Kenneth C. Howell [X] E-mail
Hawley Troxell Ennis & Hawley, LLP
877 W. Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83707
khowell@hawleytroxell.com

Kurt D. Holzer [X] E-mail
Hepworth Holzer, LLP
537 W. Bannock St.
P.O. Box 2582
Boise, ID 83701-2582
kholzer@hepworthholzer.com

Lisa M. La Fornara [X] E-mail
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
Telephone: (317) 636-6481
llaifornara@cohenandmalad.com

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Clerk of the District Court