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**IN RE APPLICATION BY CITIBANK,  
N.A., DEPARTMENT STORES  
NATIONAL BANK, AND  
CITIFINANCIAL SERVICING LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY, TO TAKE CURATIVE  
ACTION IN CERTAIN PENDING  
UNSECURED CONSUMER DEBT  
COLLECTION ACTIONS**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MERCER COUNTY**

**DOCKET NO.: L-355-14**

**CIVIL ACTION**

~~UNRECORDED~~ **FINAL ORDER**

*e*

**CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED**

**JUN 10 2014**

*Ann Regan*  
**SUE REGAN  
DEPUTY CLERK OF SUPERIOR COURT**

**THIS MATTER** being brought before the Court by Citibank, N.A.,

Department Stores National Bank, and CitiFinancial Servicing LLC, a Delaware limited liability company (collectively, "Citi"), based upon the facts set forth in the Verified Complaint filed February 20, 2014, the arguments of counsel and all other documents submitted; and the Court having made the following findings of fact and conclusions of law:

1. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, and the Honorable Philip S. Carchman J.S.C. having entered an Order to Show Cause on February 20, 2014, setting a return date of May 29, 2014;

2. The Order to Show Cause directed the defendants in the consumer credit card collection cases listed in Exhibit 4 to Citi's Verified Complaint (each a "Collection Defendant") to appear and show cause why the Court should not allow Citi to take curative action in said consumer collection proceedings as specified in the Verified Complaint;

3. The Order to Show Cause and supporting documents (collectively, the "OSC Package") were served by Citi, via first-class mail, on each Collection Defendant listed in Final Order Exhibit A hereto, at the last known address in the business records maintained by Citi, and the alternative address(es) in the business records maintained by Citi, where available;<sup>1</sup>

4. Final Order Exhibit A also identifies (i) the docket number in the debt collection action, (ii) the total amount collected by Citi from the Collection Defendant, if applicable, (iii) the division of the court in which the debt collection action is pending or was closed, and (iv) the county in which the debt collection action is pending or was closed;

5. Citi also served the OSC Package, by first-class mail, on the three major credit bureaus referenced in paragraph 36 of the Verified Complaint ("Credit Bureaus"), and on the law firms referenced in paragraph 17 of the Verified Complaint (the "Law Firms");

6. Citi filed with the Court its proof of service of the OSC Packages on the Collection Defendants, Credit Bureaus, and Law Firms, on May 19, 2014;

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<sup>1</sup> Where Citi had been provided an address for the estate of a deceased Collection Defendant by the time of service, the OSC Package was mailed to the address of the estate and/or the executor or administrator, if known and available. For OSC Packages that were returned as undeliverable, Citi undertook to identify alternative addresses through a skip trace service and, where one or more alternative addresses were identified, attempted service at such address(es).

7. The individuals who submitted written objections to the Order to Show Cause are identified alphabetically by last name in Final Order Exhibit B to this Order;

8. Citi filed with the Court its written responses to the Collection Defendants' objections on May 22, 2014 and May 28, 2014;

9. The Final Hearing was held on May 29, 2014; and

10. Six Collection Defendants appeared at the Final Hearing but did not state any objections.

THEREFORE, IT IS on this 19<sup>th</sup> of June, 2014,

**ORDERED** that all objections to the Order to Show Cause are hereby overruled for the reasons set forth on the record on May 29, 2014;

**IT IS FURTHER ORDERED** that Citi's request to take curative action with respect to the debt collection actions listed in Final Order Exhibit A attached hereto is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that the 6,738 debt collection actions listed in Final Order Exhibit A are hereby consolidated before this Court;

**IT IS FURTHER ORDERED** that any and all final judgments entered in the 3,705 cases in Final Order Exhibit A identified as part of "Group A" are hereby vacated and these cases are dismissed with prejudice;

**IT IS FURTHER ORDERED** that in connection with those 64 cases in Final Order Exhibit A identified as part of "Group B": (i) Citi is hereby authorized to cease accepting payments immediately, including in any such matters involving a pending

court order, court approved stipulation, or settlement agreement providing for payments by the Collection Defendants; (ii) any and all final judgments entered in these cases are hereby vacated and the cases are dismissed with prejudice; (iii) within 60 days of the entry of this Order, Citi shall determine the total amount collected from Collection Defendant(s) in these cases and submit the results to the Court; and (iv) within 30 days following the submission of these results to the Court, Citi shall return to each Collection Defendant(s) the amount collected. If amounts have been collected by Citi from more than one Collection Defendant in a debt collection action, Citi shall return to each Collection Defendant the amount collected from that Collection Defendant. Any amounts that could not be returned to the Collection Defendant(s) shall be paid to the State of New Jersey in accordance with the Uniform Unclaimed Property Act, N.J.S.A. 46:30B-1 *et seq.*;

**IT IS FURTHER ORDERED** that for those 2,969 cases in Final Order Exhibit A identified as part of "Group C": (i) any and all final judgments entered in these cases are hereby vacated and the cases are dismissed with prejudice; and (ii) within 60 days of the entry of this Order granting such vacatur and dismissal, Citi shall return each Collection Defendant(s) the amounts set forth in Final Order Exhibit A. If amounts have been collected by Citi from more than one Collection Defendant in a debt collection action, Citi shall return to each Collection Defendant the amount collected from that Collection Defendant. Any amounts that could not be returned to the Collection Defendant(s) shall be paid to the State of New Jersey in accordance with the Uniform Unclaimed Property Act, N.J.S.A. 46:30B-1 *et seq.*;

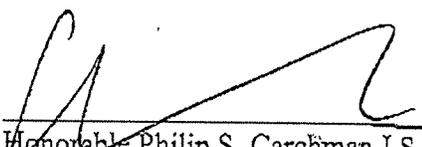
**IT IS FURTHER ORDERED** that Citi shall advise the Credit Bureaus that the Court has issued this Final Order, and provide the Credit Bureaus with a copy of the

Final Order and any other orders issued by the Court concerning the Collection Cases by first-class mail;

**IT IS FURTHER ORDERED** that Citi shall provide an interim report to the Court on August 15, 2014, and a final report to the Court on November 14, 2014, concerning Citi's actions in accordance with the Court's orders and instructions, and the steps Citi has taken to protect against future alteration of Citi Affidavits, as defined in the Verified Complaint, after execution and prior to filing with the court;

**IT IS FURTHER ORDERED** that within seven (7) days, Citi shall serve a copy of this Final Order, by regular mail, upon any party that filed a timely objection to the Order to Show Cause, or upon counsel for such individuals; and

**IT IS FURTHER ORDERED** that within seven (7) days, Citi shall serve a copy of this Final Order, by regular mail, upon the clerk of court for each county listed in Final Order Exhibit A, together with a list of all affected debt collection actions within that particular county, including: (i) the docket number, (ii) the total amount collected by Citi from the Collection Defendant, if applicable, and (iii) the division of the court in which the debt collection action is pending or was closed.

  
Honorable Philip S. Carchman J.S.C.

*(Ret. on Recall)*

**Philip S. Carchman, J.S.C.**  
**Ret. On Recall**