

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	Ronald A. Guzman	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	11 C 2539	<b>DATE</b>	2/22/2012
<b>CASE TITLE</b>	In Re: Hardwick v. Fisher & Shapiro, LLC		

**DOCKET ENTRY TEXT**

For the reasons provided herein, the Court denies Jeanette Tate Stinnette and Isaac A. Stinnette’s motion to intervene and substitute putative class counsel and the Court strikes their objections to the proposed settlement as moot because the Court denies the joint motion for preliminary approval of the class settlement agreement [doc. no. 28].

■ [ For further details see text below.]

Docketing to mail notices.

**STATEMENT**

The Stinnettes’ reasons for intervening, substituting counsel and objecting to the proposed class settlement agreement were based on the assumption that the Court would approve the wide sweeping language of the release contained in the proposed settlement agreement. In a separate minute order, the Court denies the proposed class settlement agreement as being far too broadly written because it includes a release of claims far beyond the scope of the instant litigation which is limited the FDCPA claims. Limiting the class settlement in this way promotes the fair adjudication of the FDCPA claims before this Court while permitting the Stinnettes to proceed in state court with their state law claims against this defendant as well as other defendants.

Given the Court’s ruling, the Stinnettes have not demonstrated that intervention as of right is warranted because they have failed to show that they will not be adequately represented by the lead plaintiff in this case as to their FDCPA claims or that they will be adversely affected by the disposition of property subject to the control of the court. *See* Fed. R. Civ. P. 24(a). Further, a court has broad discretion to determine whether to allow permissive intervention. *First Interstate Bank of Nevada, N.A. v. Chapman & Cutler*, 837 F.2d 775, 782 (7th Cir. 1988) (asserting that “permissive intervention is wholly discretionary”). Such factors to take into consideration are delay or prejudice to the original parties and the reasons for seeking intervention. Fed. R. Civ. P. 24(c); *see Vollmer v. Publishers Clearing House*, 248 F.3d 698, 707 (7th Cir. 2001). Given that the scope of the Stinnettes’ litigation is much broader and involves more parties than the instant litigation, which merely involves a discrete issue of law under the FDCPA, *i.e.*, whether it is governed by *O’Rourke v. Palisades Acquisition XVI, LLC*, 635 F.3d 938, 943-44 (7th Cir. 2011), delay and prejudice is inevitable regarding the adjudication of the rights of the original parties.