

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR POLK COUNTY
CIVIL DIVISION**

**NORMAN GUNDEL, WILLIAM
MANN, and BRENDA N. TAYLOR,**
individually and on behalf of all similarly
situated persons,

Case No.: 17-CA-001446

Plaintiffs,

Division: 4

vs

AVATAR PROPERTIES, INC.,

Defendant.

_____ /

**AGREED ORDER APPROVING SETTLEMENT
AND DISMISSING REMAINING CLAIMS**

THIS MATTER is before the Court on the Parties' stipulation regarding a Joint Motion for Settlement Approval pending before the Court. The Court, having considered the Motion, the agreement of the parties to the form and entry of this order, and being otherwise duly advised, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Parties have reached an agreement resolving their dispute over Avatar's appeal of this Court's November 4, 2024 Order and Judgment (Doc. 892) granting Plaintiffs and the Class an award of attorney's fees and costs. Pursuant to their settlement agreement, the Parties requested that the Sixth District Court of Appeal relinquish jurisdiction over Avatar's appeal of the Attorney's Fees Judgment, and the Sixth District has done so. The Parties then filed a Joint Motion to Approve their Settlement.

2. Under the settlement agreement, Avatar will pay \$22,600,000 in full and complete satisfaction of the Attorney's Fees Judgment, including costs ("Attorney's Fees Payment"). Upon such payment, Class Counsel will transfer the Attorney's Fees Payment to the Common Fund for distribution to the Class in accordance with this Court's instructions in its January 27, 2025 Order (Doc. 922).

3. The Court approves the Attorney's Fees Payment and settlement agreement, and orders Avatar to pay the Attorney's Fees Payment as set forth in the settlement agreement. Within five (5) business days of Avatar's payment of the Attorney's Fees Payment, Avatar will dismiss its Attorney Fees Appeal, and Plaintiffs will dismiss the Lawsuit with prejudice, and all Remaining Issues will be deemed withdrawn and mooted.

4. Pursuant to the Parties' stipulation, the Court also vacates Paragraphs 3 and 4 of the Order Denying Plaintiffs' Motion for Reconsideration and Granting Defendant's Motion for Final Judgment on Count III (Doc. 897) (Nov. 18, 2024).

5. All remaining "Individual Claims" that are the subject of the Order Granting Motion to Bifurcate and Stay Individual Claims Pending Class Action Trial (Doc. 416) (Oct. 26, 2020) and the Stipulation for Dropping Certain Individual Claims (Doc. 800) (Jul. 2, 2024) are dismissed with prejudice with each party to bear its own attorneys' fees and costs.

6. The Court further directs AB Data Ltd., as the court appointed administrator, to distribute the funds to the Class in accordance with its plan of distribution and payment of administrative expenses set forth in its declaration filed June

29, 2026. The Court maintains jurisdiction over the final distribution and class administration, and the enforcement of the settlement.

DONE AND ORDERED in Polk County, Florida on Wednesday, July 8, 2026.

53-2017-CA-001446-0000-00 07/08/2026 10:44:53

Kelly A Butz

Kelly Butz, Circuit Judge

53-2017-CA-001446-0000-00 07/08/2026 10:44:53

Conformed copies to:
All Counsel of Record