

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

GEORGE CUSTER, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

**DOVENMUEHLE MORTGAGE,
INC.,**

Defendant.

Case No. 1:24-cv-00306-CCE-LPA

Chief District Judge Catherine C. Eagles
Magistrate Judge L. Patrick Auld

**PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff George Custer, on behalf of himself and a proposed Settlement Class of borrowers whose mortgages were serviced by Defendant Dovenmuehle Mortgage, Inc., respectfully moves for preliminary approval of the proposed Settlement.¹ The Settlement resolves claims of the Class that the Court has already certified in this case. SA § 4.1. *See also Custer v. Dovenmuehle Mortg.*, 813 F. Supp. 3d 530 (M.D.N.C. 2025) (certifying class, appointing Plaintiff as Class Representative, and appointing his attorneys as Class Counsel). The Settlement in this case provides substantial monetary relief in the form of a \$9,000,000 common fund, along with significant practice changes that will inure to the benefit of Class Members and future borrowers.

¹ Capitalized terms are defined in the Settlement Agreement, attached hereto with proposed exhibits as Exhibit 1 to the Joint Declaration of Katherine Aizpuru, James Kauffman, and Ben Sheridan.

The Settlement here is an outstanding recovery in a case that satisfies all Fourth Circuit criteria for preliminary settlement approval. This relief was secured by experienced and informed counsel after two years of litigation, briefing on numerous contested substantive motions, and multiple mediations, including two before a retired federal judge. The terms are fair, reasonable, and adequate, and were reached at arm's length. Class Counsel and the Class Representative have adequately represented the Settlement Class. And, the proposed Notice Plan, which contemplates Notice by email, postcard, and a Settlement Website with a dedicated toll-free phone number, is the best notice practicable under the circumstances. Accordingly, Plaintiff requests that the Court (1) preliminarily approve the proposed Settlement, (2) appoint ILYM as Settlement Administrator, (3) order the Notice of the Settlement be made to the Settlement Class, and (4) set a Final Approval Hearing no earlier than 180 days from the date of Preliminary Approval. This Motion is based on the Motion, the accompanying Memorandum of Law, the Joint Declaration of Katherine M. Aizpuru, James L. Kauffman, and Benjamin M. Sheridan with all Exhibits thereto, the pleadings and papers on file before the Court, and any such other materials as the Court may consider.

DMI does not oppose the relief sought in this Motion.

Dated: May 6, 2026

Respectfully submitted,

/s/ James L. Kauffman

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Counsel for the Plaintiff and the Class

CERTIFICATE OF SERVICE

I certify that, on May 6, 2026, a copy of the foregoing document was filed with the Clerk of the Court and upon counsel of record using the CM/ECF System.

/s/ James L. Kauffman
James L. Kauffman