

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

DR. DEREK MELBY, and DANILO §  
POLICARPIO as individuals and on behalf of §  
all others similarly situated, §

Plaintiffs, §

v. §

Case No. 3:17-cv-155

AMERICA’S MHT, INC., SCOTT POSTLE, §  
ASCENTIUM CAPITAL LLC, and CLIFF §  
MCKENZIE, §

Defendants. §

**JOINT AND AGREED MOTION FOR ENTRY OF SCHEDULING ORDER  
CONCERNING CLASS SETTLEMENT**

Plaintiffs and Defendants Ascentium Capital LLC and Cliff McKenzie (collectively, the “Ascentium Defendants” and, together with the Plaintiffs, the “Moving Parties”) hereby notify the Court that they have reached an agreement in principle to settle the Plaintiffs’ claims against the Ascentium Defendants, and respectfully request that the Court enter an Order governing the schedule by which the Moving Parties shall seek Court approval for a class settlement.

The Moving Parties have been engaged in settlement negotiations over the course of the last few months. On July 28, 2017, the Moving Parties participated in a full-day mediation in Dallas. Following the mediation, the Moving Parties continued to discuss settlement and have now reached an agreement in principle to settle the Plaintiffs’ claims against the Ascentium Defendants. But, because this is a class action, there are at least a few additional hurdles to cross before any settlement can become final. Likewise, any settlement is subject to the Court’s approval. Accordingly, the Moving Parties respectfully request that the Court enter the Moving Parties’ proposed Scheduling Order Concerning Class Settlement that sets forth a schedule for

submitting the required documentation for approval of a class settlement. The proposed Order sets a 30-day deadline, September 7, 2017, for the Moving Parties to file their motion for preliminary approval of their proposed class settlement, and it resets the deadline for the Plaintiffs to file a Master Amended Complaint, currently set for today, to September 7, 2017.

Date: August 7, 2017

Respectfully submitted,

/s/ E. Leon Carter

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that on August 7, 2017, a true and correct copy of the foregoing instrument was filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

*/s/ Matthew R. Stammel* \_\_\_\_\_

Matthew R. Stammel

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