UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Michael Johnson, on behalf of himself and others similarly situated v. Comodo Group, Inc.

Johnson v. Comodo · No. Civil Action No. 16-4469 · Decided February 4, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Plaintiff Michael Johnson's unopposed motions for final approval of a class action settlement and for attorneys' fees, expenses, and an incentive award. The action alleged that Comodo Group, Inc. violated the Telephone Consumer Protection Act by making prerecorded telemarketing calls to cellular telephones without consent. The Court approved a $1,625,000 settlement, a $650,000 attorneys' fee award, reimbursement of $92,283.46 in expenses, and a $40,000 incentive award.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Jamel K. Semper
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 4, 2026
DOCKET	Civil Action No. 16-4469
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff moved unopposed for final approval of a class action settlement and for attorneys' fees, expenses, and an incentive award. After holding a final approval hearing, the court granted both motions.
STANDARD OF REVIEW	The court reviewed the proposed class settlement for fairness, reasonableness, and adequacy under Federal Rule of Civil Procedure 23(e)(2), applying the Girsh factors. The fee request was reviewed under the Gunter and Prudential factors, with a lodestar cross-check.
PRECEDENTIAL VALUE	unpublished and not for publication
PARTIES	Michael Johnson, on behalf of himself and others similarly situated v. Comodo Group, Inc.

TOPICS

class actions · attorney fees · consumer protection · damages · civil procedure

PRACTICE AREAS

class actions | consumer protection | attorney fees | civil procedure

QUESTIONS PRESENTED

1. Whether the proposed class action settlement was fair, reasonable, and adequate under Federal Rule of Civil Procedure 23(e)(2) and the applicable Girsh factors.
2. Whether the requested attorneys' fee award of $650,000, reimbursement of $92,283.46 in expenses, and $40,000 incentive award were reasonable and should be approved.
3. Whether the proposed claims process and distribution method treated class members equitably relative to one another.

HOLDINGS

1. The proposed $1,625,000 class action settlement is fair, reasonable, and adequate under Federal Rule of Civil Procedure 23(e)(2), and final approval is granted.
2. The notice and claims process adequately facilitated legitimate claims, and allocating settlement payments according to the number of qualifying prerecorded calls treated class members equitably.
3. The court approved $650,000 in attorneys' fees and $92,283.46 in litigation expenses.
4. The court approved a $40,000 incentive award to Johnson.

KEY QUOTATIONS

> *"Under Rule 23(e)(2) of the Federal Rules of Civil Procedure, the Court may approve a proposed settlement of a class action after a hearing if the settlement "is fair, reasonable and adequate.""* (Section II)

> *"The settlement agreement is the result of arm's-length negotiations by experienced and knowledgeable counsel which provides above-average relief to the class for disputed claims under the TCPA."* (Section IV)

FACTUAL BACKGROUND

Johnson alleged that Comodo used automated prerecorded telemarketing calls to sell encrypted software to cellular telephone users without their consent, in violation of the TCPA. The court certified a nationwide class covering persons who received qualifying prerecorded telemarketing calls within four years before the complaint. The parties reached a $1,625,000 common-fund settlement after extensive discovery and litigation; 1,266 class members submitted valid claims, no class member objected or opted out, and the average recovery was approximately $596.17 per claiming member.

PROCEDURAL HISTORY

Johnson filed a putative nationwide class action in 2016 alleging that Comodo Group violated the Telephone Consumer Protection Act by making prerecorded telemarketing calls to cellular telephones without prior express written consent. The court certified a class, denied summary judgment and several evidentiary and decertification motions, and the Third Circuit denied interlocutory review. After extensive discovery, motion practice, mediation, and settlement negotiations, the court preliminarily approved a $1,625,000 settlement, provided notice to the class, received no objections or exclusion requests, and granted final approval together with the requested fee, expense, and incentive awards.

DISPOSITION

approved

CASES CITED

- Johnson v. Comodo Grp. Inc., 20-2113, 2021 WL 10312101 (3d Cir. Sept. 7, 2021)
- In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig., 55 F.3d 768 (3d Cir. 1995)
- Bell Atl. Corp. v. Bolger, 2 F.3d 1304 (3d Cir. 1993)
- Girsch v. Jepson, 521 F.2d 153 (3d Cir. 1975)
- In re Nat’l Football League, 821 F.3d 410, 437 (3d Cir. 2016)
- Castro v. Sanofi Pasteur Inc., 11-7178, 2017 WL 4776626, at *3 (D.N.J. Oct. 23, 2017)
- In re Prudential Ins. Co. of Am. Sales Practice Litig., 148 F.3d 283 (3d Cir. 1998)
- In re Cendant Corp. Litig., 264 F.3d 201 (3d Cir. 2001)
- Lazy Oil, Co. v. Witco Corp., 95 F. Supp. 2d 290, 337 (W.D. Pa. 2000)
- In re AT&T Corp. Sec. Litig., 455 F.3d 160 (3d Cir. 2006)
- Dewy v. Volkswagen AG, 558 F. App’x 191, 197 (3d Cir. 2014)
- In re Rite Aid Corp. Sec. Litig., 396 F.3d 294, 300 (3d Cir. 2005)
- Gunter v. Ridgewood Energy Corp., 223 F.3d 190, 195 n.1 (3d Cir. 2000)
- In re Wawa, Inc. Data Sec. Litig., 141 F.4th 456, 476 (3d Cir. 2025)
- Cullen v. Whitman Med. Corp., 197 F.R.D. 136, 145 (E.D. Pa. 2000)