

Plaintiff Tony Luib (“Plaintiff”) respectfully moves this Court for an Order preliminarily approving the proposed class action settlement (“Settlement”), approving the form of notice, and scheduling the final approval hearing as set forth in the Settlement Agreement¹ attached as Exhibit 1 to the Declaration of Michael R. Reese (“Reese Declaration”). Specifically, the Parties ask that the Court enter the proposed Order, thereby

1. certifying the Settlement Class and appointing Plaintiff as the class representative and his counsel as Class Counsel;
2. preliminarily approving the Settlement Agreement;
3. approving the form and manner of the class action settlement notice;
4. preliminarily certifying the Settlement Class for purposes of settlement only;
5. appointing Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator and direct it to commence the Notice Plan; and
6. scheduling a Fairness Hearing to consider final approval of the Settlement.

In support of this Unopposed Motion, Plaintiff relies on the attached Memorandum of Law, as well as the Declarations of Michael P. Reese, Cameron Azari (Exhibit C to the Settlement Agreement) and Michael Friedman (Exhibit 5 to Reese Declaration), and their supporting exhibits, and all documents filed therewith.

¹ Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement.

Respectfully submitted on this 1st day of March, 2019.

REESE LLP

By: /s/ Michael R. Reese

Michael R. Reese
100 West 93rd Street, 16th Floor
New York, New York 10025
Telephone: (212) 643-0500
Facsimile: (212) 253-4272
mreese@reesellp.com

THE SULTZER LAW GROUP, P.C.

Jason P. Sultzer, Esq.
85 Civic Center Plaza, Suite 104
Poughkeepsie, NY 12601
Tel: (845) 483-7100
Fax: (888) 749-7747
sultzerj@thesultzerlawgroup.com

HALUNEN LAW

Christopher Moreland
1650 IDS Center
80 S 8th Street
Minneapolis, MN 55402
Telephone: 612.605.4098
Facsimile: 612.605.4099
moreland@halunenlaw.com

Counsel for Plaintiff and the Class