

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

OPHELIA PARKER, and JOSEPH NASO,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

Case No. 6:16-cv-01193-CEM-DAB

UNIVERSAL PICTURES, a division of
UNIVERSAL CITY STUDIOS, LLC;
LEGEND PICTURES, LLC; LEGENDARY
PICTURES FUNDING, LLC; LEGENDARY
ANALYTICS, LLC; and HANDSTACK, P.B.C.,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND CERTIFICATION OF SETTLEMENT CLASSES**

Pursuant to Federal Rules of Civil Procedure 23(a), (b)(3) and (e), Plaintiffs Ophelia Parker and Joseph Naso respectfully move the Court for entry of an Order to:

(1) preliminarily approve the Joint Stipulation of Settlement and Release (“Stipulation of Settlement”) as within the range of fair, adequate and reasonable;

(2) provisionally certify the Settlement Classes pursuant to Federal Rule of Civil Procedure 23(b)(2), (b)(3) and (e);

(3) appoint Edmund Normand and Alex Couch of Normand PLLC and William Gray of Gray LLC as Class Counsel;

(4) appoint Joseph Naso and Ophelia Parker as Class Representatives;

(5) appoint JND Legal Administration as the Settlement Administrator;

(6) approve the Notice Program set forth herein and the form and content of the Notices;

(7) approve the Claims process;

(8) approve the procedures for Settlement Class Members to exclude themselves from the Settlement Classes or to object to the Settlement;

(9) stay the Action pending Final Approval of the Settlement; and

(10) set a schedule of events, described in the table below, including a Final Approval hearing for a time and date mutually convenient for the Court, Class Counsel and counsel for Defendants, at which the Court will (i) conduct an inquiry into the fairness of the Settlement, (ii) determine whether it was made in good faith, and (iii) determine whether to approve the Settlement and Class Counsel’s application for attorneys’ fees, costs and expenses and a Service Award to each Plaintiff (“Final Approval Hearing”).

PROPOSED PRELIMINARY SCHEDULE

| # | Action | Deadline |
|---|--|--|
| 1 | Website Notice Posted by Settlement Administrator | No later than three (3) business days after the Court certifies the Settlement Class and enter the Preliminary Approval Order (“PAO”) |
| 2 | Deadline for Settlement Administrator to email out direct mail notice | No later than three (3) business days after the entry of the PAO or ten (10) business days after the Settlement Administrator receives the Contact Information Records and Cell phone Number List as set forth in the Settlement Agreement, whichever is later |
| 3 | Deadline for Settlement Administrator to mail out direct mail notice | This process shall be completed no later than 21 days after entry of the PAO |
| 4 | Deadline for Class Counsel to file their Motion for Final Approval of the Settlement, application for attorneys’ fees, costs and expenses, and for a service award for each Plaintiff. | Thirty (30) days prior to the Final Approval Hearing |
| 5 | Deadline for Settlement Administrator to post Motion for Fee Award and/or Motion for Final Approval on Website | No later than three (3) business days after Class Counsel files the Motion(s) |
| 6 | Deadline for Settlement Class Members to opt-out of the Agreement, or do nothing but still be bound by any orders and judgments issued by the Court. | Thirty-five (35) days after Notice starts |
| 7 | Deadline for Settlement Class Members to file claims. | Ninety (90) days after the entry of PAO |
| 8 | All objections to the Agreement must be submitted in the manner provided in the Proposed Notice. | Thirty-five (35) days after Notice starts |

| | | |
|----|---|---|
| 9 | Settlement Class Members intending to make an appearance at the Final Approval Hearing must file a Notice of Intention to Appear with the Court | Thirty-five (35) days after Notice starts |
| 10 | Deadline to file any responses to objections to any other objectors | Seven (7) calendar days before the date set for the Final Settlement Approval Hearing |
| 11 | Deadline for Settlement Administrator to file proof of sending notice. | Seven (7) calendar days before the date set for the Final Settlement Approval Hearing |
| 12 | Final Approval Hearing | To be set by the Court (approximately fifty-five (55) days following the PAO) |

The terms in this Motion have the same meaning as defined in the Joint Stipulation of Settlement and Release (“Joint Stipulation of Settlement”). This Motion is made on the grounds that the Settlement is the product of arm’s-length, good-faith negotiations; is fair, reasonable and adequate to the Settlement Class; and should be preliminarily approved. This Motion is based on the Plaintiffs’ separate and contemporaneously filed memorandum in support of this Motion, the accompanying declarations, the other pleadings on file in this matter, any other matter that may be submitted at the hearing, and any further argument that the Court might allow.

Based on the foregoing, Plaintiffs respectfully request that the Court grant Plaintiffs’ Unopposed Motion For Preliminary Approval of Class Action Settlement and Certification of Settlement Classes and Order the foregoing.

Local Rule 3.01(g) Certification

In compliance with Local Rule 3.01(g), the undersigned counsel for Plaintiffs conferred with counsel for Defendants on November 28, 2018 regarding the relief requested in this Motion and Defendants do not oppose.

Dated: November 29, 2018

/s/ Ed Normand

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/s/ Alex Couch

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Clerk of Court by using CM/ECF systems this 29th day of November, 2018. I also certify that the foregoing document is being served this day on all counsel of record identified on the Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in the some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Alex Couch

Alex Couch

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