

any application for an award of fees and expenses to Plaintiff's Counsel and an award to Plaintiff, by Order to Show Cause;¹ and

UPON the: (1) Affirmation of Joseph Russello in Support of Plaintiff's Motion for: (a) Final Approval of the Settlement and Approval of the Plan of Allocation; and (b) an Award of Attorneys' Fees and Expenses and Award to Plaintiff, dated February 25, 2021, and exhibits attached thereto; (2) Affidavit of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date, dated February 24, 2021, and exhibits attached thereto; (3) Affirmation of Joseph Russello Filed on Behalf of Robbins Geller Rudman & Dowd LLP in Support of Application for Award of Attorneys' Fees and Expenses, dated February 25, 2021, and exhibits attached thereto; (4) Affidavit of Stephen J. Oddo Filed on Behalf of Robbins LLP in Support of Application for Award of Attorneys' Fees and Expenses, dated February 10, 2021, and exhibits attached thereto; (5) Affirmation of Arun G. Ravindran Filed on Behalf of Hedin Hall LLP in Support of Application for Award of Attorneys' Fees and Expenses, dated February 10, 2021, and exhibits attached thereto; (6) Affidavit of Plaintiff Michael Plutte in Support of Settlement and Application for Award of Attorneys' Fees and Expenses; (7) the Memorandum of Law in Support of this Motion, dated February 25, 2021; and (8) all other papers and proceedings in this matter; and for good cause being alleged,

IT IS HEREBY ORDERED that the Final Approval Hearing shall take place before this Court via the Microsoft Teams platform on April 1, 2021, at 11:30 a.m., in connection with Plaintiff's application for final approval of the Settlement, Plaintiff's Counsel's application for an award of attorneys' fees and expenses, and Plaintiff's request for an award for his efforts in prosecuting this Action on behalf of the Settlement Class, at which time the Court will consider why it should not:

¹ Terms not defined herein are defined in the Stipulation of Settlement (NYSCEF No. 66).

1. determine that the Settlement, including the proposed Plan of Allocation for the distribution of the Net Settlement Fund, is fair, reasonable, and adequate, and should be approved;
2. determine that the Judgment, which will be submitted with Plaintiff's reply papers, should be entered;
3. grant final certification of the Settlement Class for purposes of the Settlement;
4. grant timely submitted and valid requests for exclusion from any Settlement Class Members, and reject or overrule objections, if any, to the Settlement or the relief requested; and
5. grant Plaintiff's Counsel's application for an award of attorneys' fees and expenses and Plaintiff's request for an award for his efforts in this Action; and

IT IS FURTHER ORDERED that service of this Order to Show Cause and the papers upon which it is based shall be made by e-filing on counsel for all parties who have appeared in this Action promptly upon receipt of the signed Order to Show Cause; and

IT IS FURTHER ORDERED that, pursuant to the Implementing Order, any person who wishes to object to any aspect of the Settlement or the relief requested herein shall do so on or before March 18, 2021, in accordance with the procedures outlined in paragraph 14 of the Implementing Order (available at NYSCEF No. 91); and

IT IS FURTHER ORDERED that, pursuant to the Implementing Order, Plaintiff shall e-file reply papers, together with the proposed Judgment, on or before March 25, 2021.

If any class member or member of the public has any questions about how to make a submission to the court or participate in or observe the hearing, they should email the court (mrand@nycourts.gov), but no one shall submit any hard copies or appear in court.

ENTER:



The Honorable Jennifer G. Schecter, J.S.C.