

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MASHAYILA SAYERS, BRITTNEY TINKER,
JENNIFER MONACHINO, KIMBERLY
MULLINS, HILDA MICHELLE MURPHREE,
and AMANDA JIMENEZ, on behalf of
themselves and all others similarly situated,

Plaintiffs,

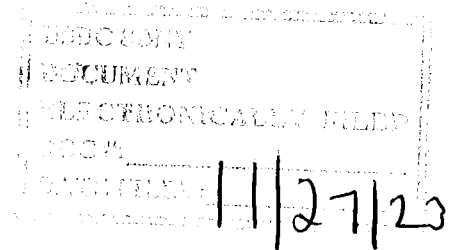
v.

ARTSANA USA, INC.,

Defendant.

Case No. 7:21-cv-07933-VB

Hon. Vincent L. Briccetti



**JOINT STIPULATION AND ~~PROPOSED~~ ORDER REGARDING
CLOSE OF CLAIMS PERIOD AND DATE OF FAIRNESS HEARING**

Plaintiffs Mashayila Sayers, Brittney Tinker, Jennifer Monachino, Kimberly Mullins, Hilda Michelle Murphree, and Amanda Jimenez, and Defendant Artsana U.S.A., Inc. (collectively, the “Parties”) state as follows:

WHEREAS, on November 8, 2023, the Court held a hearing on the Motion for Final Approval of the Class Action Settlement (ECF No. 56) and deferred consideration of that Motion as well as Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses and Incentive Awards (ECF No. 61) until a later date (*see* ECF No. 98).

WHEREAS, in light of the activity in this settlement and the discussion with the Court at the November 8 hearing, the parties agree to certain modifications to the claims period.

WHEREAS, the Court’s order granting preliminary approval of the settlement (ECF No. 52), as well as the class notices (ECF No. 60, Exs. A, B, C, F, G), directed settlement Class Members to “visit www.ArtsanaBoosterSeatSettlement.com for updated information” on the settlement approval process, but the Parties also agree to a limited second round of direct notice to those claimants who did not already submit a claim by the date of the Court’s order approving this Joint Stipulation.

WHEREAS, the Court continued the Fairness Hearing to February 8, 2024 at 11:00 a.m., subject to confirmation from the Parties that this is a suitable date.

WHEREAS, pursuant to ¶¶ 112 and 116 of the Stipulation of Settlement (ECF No. 42-1), the Parties agree to modify the terms and provisions of the Settlement (subject to approval of the Court) and re-schedule the Fairness Hearing, as specified below.¹

¹ All capitalized terms in this stipulation that are not otherwise defined have the same meaning as in the Settlement Agreement.

IT IS HEREBY STIPULATED AND AGREED by the Parties, subject to the Court's approval, that—

1. The Parties shall direct Angeion to, as soon as reasonably feasible, (a) update the Settlement Website (<https://www.ArtsanaBoosterseatSettlement.com>) and Claim Form(s), and instruct settlement Class Members that the deadline to submit claims is January 7, 2024; and (b) send direct notice of the January 7, 2024 deadline to Class Members who have not already submitted a claim by the date of the Court's order approving this Joint Stipulation:

(i) by email, if they have a valid email address obtained from Defendant's previously provided internal records as previously updated by Angeion; and/or

(ii) by first class U.S. Mail, postage pre-paid, if they have a valid mailing address obtained from Defendant's previously provided internal records as previously updated by Angeion.

2. By no later than January 31, 2024, Angeion shall provide to Class Counsel and Defense Counsel a spreadsheet containing: (a) the number of submitted claims and products, (b) the number of claims and products it recommends be treated as valid, (c) the number of claims and products it recommends be rejected because of fraud and the reason(s) for those determinations, and (d) the number of claims and products it recommends be treated as invalid (but not necessarily fraudulent) and the reason(s) for the denials.²

3. The Parties have agreed that under the circumstances of this case, it would be appropriate for the objection/contest process (*see* paragraph 90 of the Stipulation of Settlement),

² If Angeion is unable to meet this deadline, it shall file with the Court a declaration by February 1, 2024, explaining why it has been unable to meet the deadline and the Parties shall confer about a revised schedule to propose to the Court within three days.

rejection-letter-and-appeal process for claimants (*see id.* ¶ 87), as well as any deficiency process agreed to by the Parties (*see id.*) take place prior to the Fairness Hearing on the Motion for Final Approval. The Parties are continuing to negotiate the specifics of any deficiency process, and interim deadlines for each step of the processes discussed above. The Parties anticipate that these processes will be complete by the end of March, and subject to the Court's availability, the Court could hold the Fairness Hearing on the pending Motion for Final Approval (ECF Nos. 56, 83, 91) and Motion for Attorneys' Fees (ECF Nos. 61, 78, 92) on or around April 10, 2024.

Dated: November 22, 2023

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Christopher Chorba

Christopher Chorba (*Pro Hac Vice*)
CChorba@gibsondunn.com
Jeremy S. Smith (*Pro Hac Vice*)
JSSmith@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Tel.: (213) 229-7000

Jason W. Myatt
JMyatt@gibsondunn.com
200 Park Avenue
New York, NY 10166-0193
Tel.: (212) 351-4000

Attorneys for Artsana USA, Inc.

**MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC**

By: /s/ Martha A. Geer

Martha A. Geer
900 W. Morgan Street
Raleigh, NC 27603
Telephone: (919) 600-5000
Facsimile: (919) 600-5035
Email: mgeer@milberg.com

BURSOR & FISHER, P.A.

Alec M. Leslie
1330 Avenue of the Americas
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: aleslie@bursor.com

-and-

VOZZOLO LLC

Antonio Vozzolo
Andrea Clisura
345 Route 17 South
Upper Saddle River, NJ 07458
Telephone: (201) 630-8820
Facsimile: (201) 604-8400
Email: avozzolo@vozzolo.com
aclisura@vozzolo.com

Co-Class Counsel

Dated: November 27, 2023

SO ORDERED: The fairness hearing currently scheduled to be continued on February 8, 2024, is ADJOURNED to April 23, 2024, at 2:30 p.m.
--

SO ORDERED:

_____

**Hon. Vincent L Briccetti
United States District Court Judge**