

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

HILARY REMIJAS and JOANNE KAO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

THE NEIMAN MARCUS GROUP LLC, a
Delaware limited liability company,

Defendant.

Case No. 1:14-cv-01735

Hon. Sharon Johnson Coleman

JOINT MOTION FOR REVOCATION OF EXTENSION OF TIME

Plaintiffs, on behalf of themselves and the preliminarily-certified settlement class, and Defendant The Neiman Marcus Group LLC (“Neiman Marcus”) (collectively with Plaintiffs and the preliminarily-certified settlement class, “Movants”), by their attorneys, respectfully move for a revocation of the 28-day extension of time provided for in Second Amended General Order 20-0012 issued by the Chief Judge of the United States District Court for the Northern District of Illinois (the “Second General Order”), in accordance with paragraph 2(c) of that Second General Order. Good cause supports the requested revocation because it will expedite the likely distribution of relief to the settlement class in this matter, which has been pending for more than six years, and because no party will be prejudiced by such revocation. In support of this motion, Movants state as follows:

1. On October 28, 2019, Plaintiffs filed a motion seeking the Court’s preliminary approval of a revised class action settlement (the “Revised Settlement”) that Plaintiffs and Defendant entered into after the Court denied final approval of a prior class action settlement. ECF No. 221.

2. The Court granted preliminary approval of the Revised Settlement on November 15, 2019. ECF No. 224.

3. On January 24, 2020, Defendant filed an Unopposed Motion for Extension of Notice Deadline and Settlement Dates, which included proposed dates and deadlines for (i) notice of the Revised Settlement to be disseminated, (ii) Plaintiffs to file their final approval motion and fee and award requests (“Final Approval Motion Deadline”), (iii) settlement class members to file exclusion requests or objections to the Revised Settlement (“Opt Out and Objection Deadline”), (iv) replies in support of the final approval motion and fee and award requests to be filed (v) the final approval hearing, and (vi) the claim deadline. ECF No. 228. The Court granted this motion on January 28, 2020. ECF No. 230.

4. Notice of the Revised Settlement was timely disseminated by the date set by the Court in its order of January 28, 2020. That notice informed settlement class members that “the court may continue the date of the [Final Approval Hearing]” and directed them to check the settlement website for updates.

5. On March 16, 2020, the Chief Judge of the United States District Court for the Northern District of Illinois issued Amended General Order 20-0012, *In Re: Coronavirus COVID-19 Public Emergency* (the “First General Order”). ECF No. 231. The First General Order provided that in civil cases, all deadlines were extended by 21 days from the current deadline set. *Id.* ¶ 1. Movants directed that the website giving notice of the Revised Settlement

be updated to reflect that the Final Approval Motion Deadline, Opt Out and Objection Deadline and the claim deadline had each been extended by 21 days, and the website was updated pursuant to that instruction.

6. On March 30, 2020, the Second General Order was issued, extending all deadlines in civil cases by an additional 28 days, and providing that this additional extension is subject to certain exceptions, including that “[t]he presiding judge, on a case-by-case basis and for good cause, may extend, shorten, or revoke . . . the 28-day extension granted by this [Second General Order].” ECF No. 232 ¶ 2.

7. Neither the First General Order nor the Second General Order postponed the date of the final approval hearing, set for May 19, 2020 by the Court’s order of January 28, 2020.

8. In this case, Movants agree that there is good cause to revoke the 28-day extension granted by the Second General Order. This case has been pending since January 10, 2014. Plaintiffs believe that the settlement class members would benefit by receiving, as quickly as possible, the relief that would be provided to them should the Revised Settlement receive final approval. Defendant likewise wishes to conclude this matter as expeditiously as possible. Plaintiffs do not believe that the 28-day extension would help them prepare the motion for final approval and their fee and award requests, and are prepared instead to file them on the date provided for by the First General Order.

9. Movants do not believe that the relief sought by this motion would prejudice any settlement class member. Should any settlement class member wish to object to the Revised Settlement, he or she (and their counsel) will have 14 days to prepare such an objection after Plaintiffs file the final approval motion and fee and award requests; when that period begins should not affect their ability to prepare such an objection. Similarly, the claims deadline is still

months away, so settlement class members have sufficient time to prepare and file claims. The settlement website has not been updated to reflect the 28-day extension provided for by the Second General Order, so no settlement class members will have been informed that the deadlines to file opt-outs, objections, or claims are later than they would be if the Court grants the instant motion.¹

10. Movants are mindful of the burdens borne by the Court during this emergency, but respectfully submit that granting this motion is unlikely to add to them. Movants believe that granting the motion will allow the Court additional flexibility by accelerating the time that the question of whether final approval is appropriate will be ripe for the Court’s consideration. To the extent that the Court determines that additional time would aid in the consideration of whether final approval of the Revised Settlement should be granted, it can, of course, postpone the final approval hearing to provide for such time.

WHEREFORE, Movants request that the Court enter an order revoking the 28-day extension provided for in the Second General Order, and setting the dates and deadlines set forth in the table below, which correspond to the dates and deadlines in the Court’s January 28, 2020 order as modified by the 21-day extension in the First General Order.

Event	Date/Deadline
Final approval motion and fee and award requests must be filed	May 4, 2020
Settlement class members must file opt-outs or objections	May 18, 2020
Replies in support of final approval and fee and award requests must be filed	June 2, 2020
Claim deadline	October 1, 2020

¹ Movants will cause a copy of this motion and any order of the Court in response to be posted to the settlement website.

Movants further respectfully request that the final approval hearing, currently scheduled for May 19, 2020, be rescheduled for a date on or after June 9, 2020 to allow for complete briefing of any objections that may be filed in advance of the hearing.

Dated: April 14, 2020

Respectfully submitted,

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*Counsel for Defendant The Neiman Marcus Group
LLC*

CERTIFICATE OF SERVICE

I, Theodore Maya, hereby certify that on April 14, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court in the United States District Court for the Northern District of Illinois by using the CM/ECF system, which served copies on all interested parties registered for electronic service.

/s/ Theodore W. Maya _____
Theodore W. Maya