

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY**

ROSSANA MCHUGH, on behalf of herself
and all other similarly situated,

Plaintiff,

v.

EQUINOX, INC.,

Defendant.

INDEX NO. 911677-24

ANDREA CARTER, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

EQUINOX, INC.,

Defendant.

INDEX NO. 901198-25

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

PLEASE TAKE NOTICE, that upon the annexed affirmation of Todd Garber, Esq., dated May 18, 2026, memorandum of law in support, together with the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, Plaintiffs Rossana McHugh and Andrea Carter ("Plaintiffs"), by their undersigned attorneys, will move this Court before a Justice of the Supreme Court of the State of New York, Albany County, located at 16 Eagle Street, Albany, New York 12207, on the 8th day of June, 2026, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an Order pursuant to C.P.L.R. §§ 901-902, 904, and 908:

(a) granting Preliminary Approval;

(b) conditionally certifying the Settlement Class for settlement purposes;

- (c) appointing Angeion Group as the Settlement Administrator;
- (d) approving the Notice Program and Notices in the forms substantially similar to those attached to the Settlement Agreement as Exhibits A to B; the Claim process and Claim form attached to the Settlement Agreement as Exhibit C¹;
- (e) appoint Plaintiffs Rossana McHugh and Andrea Carter as Class Representatives;
- (f) appoint Todd S. Garber of Finkelstein, Blankinship, Frei-Pearson & Garber, LLC and David K. Lietz of Milberg PLLC as Class Counsel; and
- (g) schedule a Final Approval Hearing no earlier than 120 days after the entry of the Preliminary Approval Order.

A proposed Preliminary Approval Order with a detailed schedule is attached to Plaintiffs' Memorandum of Law In Support of Class Action Settlement as **Exhibit B**.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b), demand is hereby made that all answering affidavits, memoranda of law and/or cross-motions, if any, be served upon the undersigned at least seven (7) days before the return date hereof.

Dated: May 18, 2026

Respectfully submitted,

/s/ Todd S. Garber

Todd S. Garber

**FINKELSTEIN, BLANKINSHIP
FREI-PEARSON & GARBER, LLP**

One North Broadway, Suite 900

White Plains, New York 10601

Tel.: (914) 298-3281

tgarber@fbfglaw.com

¹ The details of the Settlement and Notice Program are fully set forth in the Settlement Agreement which is attached as **Exhibit A** to Plaintiffs' Memorandum of Law in Support of this Motion, filed concurrently herewith

David K. Lietz*
MILBERG PLLC
5335 Wisconsin Ave., NW, Suite 440
Washington, DC 20015
Tel: (866) 252-0878
dlietz@milberg.com
**Pro Hac Vice Application Forthcoming*

To:

Attorney for Defendant

Patrick M. Kennell
pkennell@kaufmandolowich.com
Kathleen A. Mullins
kathleen.mullins@kaufmandolowich.com
KAUFMAN DOLOWICH, LLP
40 Exchange Place – 20th Floor
New York, New York 10005
Tel: (212) 485-9600