

**LITE DEPALMA GREENBERG, LLC**

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***Counsel for Plaintiffs***

[Additional Counsel listed on signature page]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

KIMBERLY COLE, ALAN COLE,	:	
JAMES MONICA, LINDA BOYD,	:	Civil Action No. 3:13-cv-07871-FLW-TJB
MICHAEL MCMAHON, RAY	:	
SMINKEY, JAMES MEDDERS, JUDY	:	
MEDDERS, ROBERT PEPERNO,	:	
SARAH PEPERNO, KELLY MCCOY,	:	
LESA WATTS, CHAD MEADOW, JOHN	:	<b>PLAINTIFFS' NOTICE OF MOTION FOR</b>
PLISKO, SUSAN PLISKO, KENNETH	:	<b>PRELIMINARY SETTLEMENT</b>
McLAUGHLIN, RYAN KENNY,	:	<b>APPROVAL AND RELATED RELIEF</b>
ALEXANDER DAVIS, and ANDREA	:	
DAVIS, on behalf of themselves and all	:	
others similarly situated,	:	
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
NIBCO, Inc.,	:	
	:	
<i>Defendant.</i>	:	

**PLEASE TAKE NOTICE** that on November 19, 2018 at 9:00 AM or as soon thereafter as the matter can be heard, Plaintiffs Kimberly Cole, Alan Cole, James Monica, Linda Boyd, Michael McMahon, Ray Sminkey, James Medders, Judy Medders, Robert Peperno, Sarah Peperno, Kelly McCoy, Lesa Watts, Chad Meadow, John Plisko, Susan Plisko, Kenneth

McLaughlin, Ryan Kenny, Alexander Davis, and Andrea Davis (together “Plaintiffs”), pursuant to Fed. R. Civ. P. 23(e), will move before Hon. Freda L. Wolfson, U.S.D.J., to enter the proposed Order Granting Preliminary Approval to Class Action Settlement (the “Preliminary Approval Order”). **Defendant does not oppose this motion.**

In support of this motion, Plaintiffs rely upon the accompanying Joint Declaration of Bruce D. Greenberg and Joseph G. Sauder (“Joint Decl.”), Declaration of Shanon J. Carson, Declaration of Steven Weisbrot, and the brief submitted herewith.

Plaintiffs state as follows:

1. The Parties have entered into a Settlement Agreement, which is attached to the Joint Decl. as Exhibit A.

2. The relief requested in this motion is assented to by Defendant NIBCO, Inc.

3. Plaintiffs respectfully request that the Court:

A. Grant preliminary approval to the Settlement Agreement as fair, adequate and reasonable;

B. Preliminarily certify the Class as defined in the Settlement Agreement for purposes of settlement;

C. Approve the Notice Plan in the Settlement Agreement and the proposed forms of notice, which are attached as Exhibits to the Settlement Agreement;

D. Appoint Plaintiffs as Class Representatives and Sauder Schelkopf and Berger Montague PC as Co-Lead Class Counsel;

E. Schedule a Final Approval Hearing to consider the fairness, reasonableness and adequacy of the Settlement Agreement and whether final approval should be granted, as well as the application for an award of attorneys’ fees and reimbursement of expenses

and costs and service awards for the class representatives; and

F. Enter the proposed Preliminary Approval Order.

**LITE DEPALMA GREENBERG, LLC**

Dated: October 26, 2018

/s/ Bruce D. Greenberg

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*and*

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