

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT DEPARTMENT
CIVIL SESSION B

JULIE KESNER and DENNIS O'BRIEN,
Individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UMASS MEMORIAL HEALTH CARE,
INC.,

Defendant.

Case No. 2185 CV 01210

**ASSENTED TO MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Juie Kesner and Dennis O'Brien ("Plaintiffs"), individually and behalf of others similarly situated, by and through their undersigned counsel of record, hereby move for an order (1) preliminarily certifying the Class for settlement purposes; (2) granting preliminary approval of the proposed Settlement; (3) approving the Parties' proposed form and method of giving notice to the Class of the pendency of this action and of the Settlement; (4) appointing Angeion Group as Claims Administrator and Notice Specialist; (5) directing that notice be given to the Settlement Class members as approved by the Court; (6) finding that such notice constitutes the best notice practicable under the circumstances; (7) appointing Plaintiffs and their counsel as Class Representatives and Class Counsel, respectively; (8) scheduling appropriate dates for requirements and/or obligations of the Parties and Settlement Class Members as more fully described in the proposed Order submitted concurrently herewith; and (9) scheduling a Final Fairness Hearing during which the Court will consider (a) final approval of the Settlement, (b) entry of the proposed Final Order and Judgment, and (c) Plaintiffs' and Class Counsel's application for an award of attorneys' fees and costs and incentive awards.

The grounds for this motion are set forth in the accompanying memorandum of law. This Motion is also supported by the Declaration of David Pastor and the exhibits to the Declaration: **Exhibit 1** (Settlement Agreement dated September 13, 2022); **Exhibit 1A** (claim form); **Exhibit 1B** (Long Form Notice); **Exhibit 1C** (Postcard or Summary Notice); **Exhibit 1D** (Proposed Order Allowing Preliminary Approval of Class Action Settlement and Directing Notice of Proposed Settlement); and **Exhibit 1E** (Proposed Final Approval Order and Judgment).

Defendant assents to the relief sought by this Motion.

Dated: October 14, 2022

/s/ David Pastor

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Plaintiffs' Counsel

/s/ David Pastor
David Pastor