

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

CHRISTOPHER J. FIORENTINO,

Plaintiff,

v.

FLOSPORTS, INC.,

Defendant.

Case No. 1:22-CV-11502-AK

**PLAINTIFF’S NOTICE OF MOTION AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Christopher J. Fiorentino (“Plaintiff”) will and hereby does respectfully move the Court pursuant to Fed. R. Civ. P. 23(e)(1) for an order:

- (a) Determining that the Court will likely be able to approve the proposed Settlement¹ as fair, reasonable, and adequate, pursuant to Fed. R. Civ. P. 23(e)(2);
- (b) Determining that the Court will likely be able to certify the Settlement Class, as defined in the Settlement, for purposes of judgment on the proposed Settlement pursuant to Fed. R. Civ. P. 23(a) and (b)(3);
- (c) Appointing Plaintiff as Class Representative of the Settlement Class;
- (d) Appointing Lief Cabraser Heimann & Bernstein, LLP, Carney Bates & Pulliam PLLC, Burns Charest LLP, and Herrera Kennedy LLP as Class Counsel;
- (e) Approving the proposed Notice Plan set forth in the Settlement, including the proposed forms of notice, and directing that notice be disseminated pursuant to the Notice Plan and Fed. R. Civ. P. 23(e)(1);

¹ The Settlement is filed concurrently herewith. Unless otherwise indicated, capitalized terms herein refer to and have the same meaning as in the Settlement.

- (f) Appointing Epiq Class Action and Claims Solutions, Inc. (“Epiq”) as Settlement Administrator and directing Epiq to carry out the duties and responsibilities of the Settlement Administrator specified in the Settlement;
- (g) Staying all non-settlement related proceedings in this lawsuit pending final approval of the Settlement;
- (h) Setting deadlines for Class Members to request exclusion from the Class and to object to the Settlement; and
- (i) Scheduling a Final Approval Hearing and certain other dates in connection with the final approval of the Settlement pursuant to Fed. R. Civ. P. 23(e)(2).

Defendant FloSports, Inc. does not oppose this motion. This motion is based on the accompanying memorandum of points and authorities; the Settlement and exhibits thereto; the Joint Declaration of Rachel Geman and Hank Bates filed herewith; the Declaration of Cameron R. Azari filed herewith; the argument of counsel; all papers and records on file in this matter; and such other matters as the Court may consider.

Dated: July 26, 2023

Respectfully submitted,

/s/ Rachel Geman

Rachel J. Geman (rgeman@lchb.com)
Douglas I. Cuthbertson
(dcuthbertson@lchb.com)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: (212) 355-9500

Michael K. Sheen (msheen@lchb.com)
Nicholas R. Hartmann
(nhartmann@lchb.com)
Nabila Abdallah (nabdallah@lchb.com)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000

Christopher J. Cormier
(ccormier@burnscharest.com)
BURNS CHAREST LLP
4725 Wisconsin Avenue, NW
Washington, DC 20016
Telephone: (202) 577-3977

Hannah M. Crowe
(hcrowe@burnscharest.com)
BURNS CHAREST LLP
900 Jackson Street, Suite 500
Dallas, TX 75202
Telephone: (469) 904-4550

/s/ Hank Bates

Hank Bates (hbates@cbplaw.com)
Lee Lowther (llowther@cbplaw.com)
Courtney E. Ross (cross@cbplaw.com)
CARNEY BATES & PULLIAM, PLLC
519 W. 7th Street
Little Rock, AR 72201
Telephone: (501) 312-8500

C. Andrew Dirksen (cdirksen@cerallp.com)
CERA LLP
800 Boylston Street, 16th Floor
Boston, MA 02199
Telephone: (857) 453-6555

Nicomedes Sy Herrera
(nherrera@herrerakennedy.com)
HERRERA KENNEDY LLP
1300 Clay Street, Suite 600
Oakland, CA 94612
Telephone: (510) 422-4701

Shawn M. Kennedy
(skennedy@herrerakennedy.com)
HERRERA KENNEDY LLP
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
Telephone: (949) 936-0900

Counsel for Plaintiff and the Proposed Class