

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
(ROCHESTER DIVISION)

MEGAN HOLVE, *individually and on behalf
of all others similarly situated,*

Civil Action No. 6:16-cv-06702-FPG

Plaintiff,

– against –

MCCORMICK & COMPANY, INC.,

Defendant.

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

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and Western District of New York Local Rule 7, Plaintiff Megan Holve, (“Plaintiff”), on behalf of herself and all others similarly situated, hereby does move this Court for an order granting preliminary approval of the class action Settlement reached between her and Defendant McCormick & Company, Inc. (“Defendant” or “McCormick”) (collectively, the “Parties”), and to enter the [Proposed] Order Granting Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement submitted with this notice of motion.

Preliminary Approval is warranted because the terms of the proposed Settlement are fair, adequate, and reasonable under the law of the Second Circuit and the Federal Rules of Civil Procedure, and provide substantial relief for the Settlement Class. Given the significant risks inherent in this Action, this common fund settlement in the amount of \$3,000,000, consisting of: (a) cash payments to Settlement Class Members and (b) injunctive relief in the form of labeling and advertising changes, is an excellent result for Settlement Class Members.

Plaintiff hereby moves, and Defendant does not oppose a request for the Court to (1) preliminarily approve the Class Action Settlement as being within the range of a fair, adequate, and reasonable Settlement; (2) provisionally certify for settlement purposes only the proposed

Settlement Class pursuant to Fed. R. Civ. P. 23; (3) appoint Plaintiff as Class Representative; (4) approve the Notice Program set forth in the Settlement Agreement and approve the form and content of the Notice, attached to the Settlement Agreement as Exhibit B; (5) approve the opt-out and objection procedures set forth in the Agreement; (6) stay the Action against Defendant pending Final Approval of Settlement; (7) appoint Reese, LLP and Eggnatz Pascucci, P.A. as Class Counsel; and (8) schedule a Final Approval Hearing.

This unopposed Motion is based upon this Notice of Motion; the Memorandum of Points and Authorities; the Joint Declaration of Class Counsel; the Declaration of Steven Weisbrot of Angeion Group LLC attached as Exhibit C to the Settlement Agreement; the Settlement Agreement and exhibits submitted therewith; and, all papers and pleadings on file herein.

Pursuant to Local Rule 7, Plaintiff states that she does not intend to file a reply in support of this unopposed motion.

Dated: May 7, 2021

Respectfully submitted,

By: /s/ Michael R. Reese
REESE LLP
Michael R. Reese
mreese@reesellp.com
100 West 93rd Street, 16th Floor
New York, New York 10025
Telephone: (212) 643-0500
Facsimile: (212) 253-4272

EGGNATZ PASCUCCI, P.A.
Joshua H. Eggnatz
jeggnatz@justiceearned.com
7450 Griffin Road, Suite 230
Davie, Florida 33314
Telephone: (954) 889-3359
Facsimile: (954) 889-5913

Counsel to Plaintiff and the putative Class

Proposed Co-Lead Class Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **May 7, 2021**, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Michael R. Reese
REESE LLP