

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

MICHELLE HALL, on behalf of
herself, individually and on behalf of
all similarly situated individuals,

Plaintiffs,

v.

ADELPHIA THREE CORP. d/b/a/
PHILY DINER, PETRO KONTOS,
WILLIAM BALIS,

Defendants.

Civil No. 1:21-cv-01106-CPO-SAK

Jury Trial Demanded

**ORDER GRANTING PRELIMINARY APPROVAL OF THE CLASS AND
COLLECTIVE ACTION SETTLEMENT**

AND NOW, this 23 day of August, 2023, upon consideration of Plaintiffs' Unopposed Motion for Preliminary Approval of the Class and Collective Action Settlement, and all attachments thereto, it is hereby ORDERED that:

1. The Motion is **GRANTED**, and the Parties' settlement of this class/collective action is **PRELIMINARILY APPROVED**. The Court finds that the terms of the Settlement Agreement are reasonable, just, fair, and adequate to warrant dissemination of the Notice of the proposed settlement to the Settlement Class. The Court finds that the Settlement Agreement contains no obvious deficiencies; is within the range of possible approval; and that the Parties entered

into the Settlement Agreement in good faith, following arms' length negotiations, following an in-person, full day mediation session held on April 7, 2023 with Hon. Diane M. Welsh (Ret.).

2. Plaintiff Hall is appointed as Class Representative of the Settlement Class.

3. McOmber McOmber & Luber, P.C. is appointed as Class Counsel for the Settlement Class.

4. The Parties shall take all actions required by the Settlement Agreement.

5. Class Counsel's requested fee award of one-third of the Settlement Amount is preliminarily approved.

6. The Court hereby approves the Claims Administrator and the form and procedures for disseminating notice of the proposed settlement to the Class as set forth in the Settlement Agreement. The Court finds that the notice to be given constitutes the best notice practicable under the circumstances, and constitutes valid, due, and sufficient notice to the Settlement Class in full compliance with the requirements of applicable law.

7. Any Settlement Class Member shall have the right to opt out of the Settlement Class and the settlement by sending a written request for exclusion from the Settlement Class according to the procedures described in the proposed Notice Form and the Settlement Agreement. Individuals who wish to object to the

settlement must follow the procedures described in the Notice and the Settlement Agreement.

8. Pursuant to Federal Rule of Civil Procedure 23(e)(2), a hearing addressing final approval of the settlement (“Final Approval Hearing”) will be held in Courtroom 5A of the United States Courthouse, Mitchell H. Cohen Building & U.S. Courthouse 4th & Cooper Streets, Camden, NJ 08101 at ^{10:00am} _____ on ^{January 4th, 2024} ~~_____, 2023~~, a date at least 120 days from the entry of this Order. At the Final Approval Hearing, the Court will consider: (i) whether the settlement should be finally approved as fair, reasonable, and adequate for the Settlement Class; (ii) whether a judgment granting approval of the settlement and dismissing the lawsuit with prejudice as to Defendants should be entered; and (iii) whether Class Counsel’s forthcoming application for attorneys’ fees and expenses and service award for the Class Representative Plaintiff Hall should be granted. During this Final Approval Hearing, the Court may hear from any objectors or other putative Settlement Class/Collective members who wish to address the Court and will hear from Class Counsel.

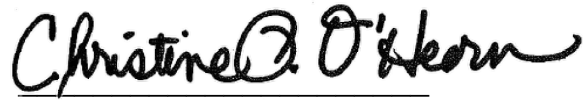
9. Within fourteen (14) days of the Final Approval Hearing, Class Counsel shall file all papers in support of the final approval of the settlement and for fees and expenses.

10. Non-substantive changes and changes necessary to correct any inconsistency between the approved forms and the Settlement Agreement may be

made by the mutual agreement of Class Counsel and counsel for the Defendants.

11. The Court reserves the right to adjourn the date of the Final Approval without further notice to the Class, and retains jurisdiction to consider all further applications arising out of or in connection with the proposed settlement. The Court may approve the settlement, with such modifications as may be agreed to by the Parties, if appropriate, without further notice.

Dated: August 23, 2023

A handwritten signature in black ink, reading "Christine P. O'Hearn". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Hon. Christine P. O'Hearn