

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |   |                           |
|---|---|---------------------------|
| Scott Biddick, Individually and on Behalf | : |                           |
| of All Others Similarly Situated,         | : | Case No. 1:20-cv-08091    |
|   | : |                           |
| Plaintiff,                                | : | Judge Vernon S. Broderick |
|   | : |                           |
| v.  | : |                           |
|   | : |                           |
| Lumondi, Inc.,                            | : |                           |
|   | : |                           |
| Defendant.                                | : |                           |

**PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, PRELIMINARY CERTIFICATION OF SETTLEMENT CLASS, AND  
APPROVAL OF NOTICE PLAN**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff Scott Biddick (“Plaintiff”), individually and on behalf of all others similarly situated, hereby moves this Court for preliminary approval of the proposed class action settlement. In support thereof, Plaintiff relies upon the accompanying Memorandum in Support of Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan; the Declaration of Jeffrey S. Goldenberg (“Goldenberg Decl.”); the Declaration of Jeanne C. Finegan, APR (“Finegan Decl.”); the Settlement Agreement attached to the Goldenberg Decl. as Exhibit 1; the records, pleadings, and papers filed in this action; and such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion. A Proposed Order Granting Preliminary Approval to this class action settlement is attached as Exhibit 2 to the Declaration of Jeffrey S. Goldenberg.

Dated: November 22, 2021

Respectfully submitted,

By: /s/Jeffrey S. Goldenberg  
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*Attorneys for the Plaintiff and Proposed  
Settlement Class*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically on November 22, 2021, via the Court Clerk's CM/ECF system, which will provide notice to all counsel of record.

/s/ Jeffrey S. Goldenberg  
Jeffrey S. Goldenberg