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**U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:14-cv-09087-KMK**

Rapoport-Hecht v. Seventh Generation, Inc.
Assigned to: Judge Kenneth M. Karas
Demand: \$5,000,000
Cause: 28:1332ct Diversity-(Citizenship)

Date Filed: 11/14/2014
Date Terminated: 04/28/2017
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Tziva Rapoport-Hecht
*individually on behalf of herself and all
others similarly situated*

represented by **Jason P. Sultzer**
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V.

Defendant

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ADR Provider

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Objector

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| Date Filed | # | Docket Text |
|-------------------|-----------------------------------|---|
| 11/14/2014 | <u>1</u> R | COMPLAINT against Seventh Generation, Inc. (Filing Fee \$350.00, Receipt Number 465407009952) Document filed by Tziva Rapoport-Hecht. (lnl) (Entered: 11/17/2014) |
| 11/14/2014 | <u>2</u> | CIVIL COVER SHEET filed. (lnl) (Entered: 11/17/2014) |
| 11/14/2014 | | SUMMONS ISSUED as to Seventh Generation, Inc. (lnl) (Entered: 11/17/2014) |
| 11/14/2014 | | Case Designated ECF. (lnl) (Entered: 11/17/2014) |
| 11/14/2014 | | Magistrate Judge Paul E. Davison is so designated. (lnl) (Entered: 11/17/2014) |
| 12/17/2014 | <u>3</u> | AFFIDAVIT OF SERVICE of Summons and Complaint. Seventh Generation, Inc. served on |

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| | | 12/8/2014, answer due 12/29/2014. Service was accepted by Nancy Dougherty, Legal Clerk. Document filed by Tziva Rapoport-Hecht., SUMMONS RETURNED EXECUTED. Seventh Generation, Inc. served on 12/8/2014, answer due 12/29/2014. Service was accepted by Nancy Dougherty, Legal Clerk. Document filed by Tziva Rapoport-Hecht. (Sultzer, Jason) (Entered: 12/17/2014) |
| 02/04/2015 | 4 | AFFIDAVIT OF SERVICE of Summons and Complaint. Seventh Generation, Inc. served on 1/15/2015, answer due 2/5/2015. Service was accepted by Kenneth Merritt, Jr., Esq. - Person authorized to accept service. Document filed by Tziva Rapoport-Hecht. (Sultzer, Jason) (Entered: 02/04/2015) |
| 02/12/2015 | 5 | MOTION for Michelle Gillette to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Seventh Generation, Inc.. (Gillette, Michelle) (Entered: 02/12/2015) |
| 02/12/2015 | 6 | MOTION for Daniel J. Herling to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10592790. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Seventh Generation, Inc..(Herling, Daniel) (Entered: 02/12/2015) |
| 02/12/2015 | | Pro Hac Vice Fee Paid electronically via Pay.gov: for 5 MOTION for Michelle Gillette to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Filing fee \$ 200.00. Pay.gov receipt number 0208-10592907, paid on 2/12/2015. (wb) (Entered: 02/13/2015) |
| 02/13/2015 | | >>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. 6 MOTION for Daniel J. Herling to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10592790. Motion and supporting papers to be reviewed by Clerk's Office staff., 5 MOTION for Michelle Gillette to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. Certificate of Good Standing Must be issued from Supreme Court of California with a Clerk of Court Signature. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (wb) (Entered: 02/13/2015) |
| 02/19/2015 | 7 | NOTICE OF APPEARANCE by Joshua Thomas Foust on behalf of Seventh Generation, Inc.. (Foust, Joshua) (Entered: 02/19/2015) |
| 02/19/2015 | 8 | NOTICE OF CHANGE OF ADDRESS by Joshua Thomas Foust on behalf of Seventh Generation, Inc.. New Address: Mintz Levin Cohn Ferris Glovsky & Popeo P.C., 44 Montgomery St., 36th Fl., San Francisco, California, U.S.A. 94104, (415) 432-6000. (Foust, Joshua) (Entered: 02/19/2015) |
| 02/19/2015 | 9 | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Seventh Generation, Inc..(Foust, Joshua) (Entered: 02/19/2015) |
| 02/24/2015 | 10 | AMENDED MOTION for Michelle Gillette to Appear Pro Hac Vice <i>Corrected</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Seventh Generation, Inc.. (Attachments: # 1 California Supreme Court Certificate of Good Standing, # 2 Text of Proposed Order Order for Admission Pro Hac Vice)(Gillette, Michelle) (Entered: 02/24/2015) |
| 02/25/2015 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 10 AMENDED MOTION for Michelle Gillette to Appear Pro Hac Vice <i>Corrected</i>. |

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| | | Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sdi) (Entered: 02/25/2015) |
| 02/25/2015 | 11 | STIPULATION AND ORDER SETTING TIME TO RESPOND TO COMPLAINT: IT IS HEREBY STIPULATED by and between the parties to this action through their undersigned attorneys that: 1. The time within which Defendant Seventh Generation, Inc. may move, answer, or otherwise respond to Plaintiff's Complaint shall extend up to and include February 27, 2015. 2. Defendant hereby waives its right pursuant to Fed. R. Civ. Proc. 12(b)(5) to the defense of insufficient service of process. Defendant has not previously made any request for extension of time in this action. No provision of this Stipulation and Order shall be construed as a waiver of any defenses or rights not specifically mentioned herein, and Defendant Seventh Generation, Inc. expressly reserves all such defenses. ENDORSEMENT: SO ORDERED. Seventh Generation, Inc. answer due 2/27/2015. (Signed by Judge Kenneth M. Karas on 2/24/2015) (lnl) (Entered: 02/25/2015) |
| 02/27/2015 | 12 | NOTICE OF APPEARANCE by Francis John Earley on behalf of Seventh Generation, Inc.. (Earley, Francis) (Entered: 02/27/2015) |
| 02/27/2015 | 13 | LETTER MOTION for Conference <i>Defendant's Request for Pre-Motion Conference</i> addressed to Judge Kenneth M. Karas from Francis J. Earley, Esq. dated February 27, 2015. Document filed by Seventh Generation, Inc..(Earley, Francis) (Entered: 02/27/2015) |
| 03/03/2015 | 14 | AMENDED MOTION for Daniel J. Herling to Appear Pro Hac Vice <i>Corrected</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Seventh Generation, Inc.. (Attachments: # 1 Supreme Court of California Certificate of Good Standing, # 2 Supreme Court of Pennsylvania Certificate of Good Standing, # 3 Text of Proposed Order)(Herling, Daniel) (Entered: 03/03/2015) |
| 03/03/2015 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 14 AMENDED MOTION for Daniel J. Herling to Appear Pro Hac Vice <i>Corrected</i>. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sdi) (Entered: 03/03/2015) |
| 03/04/2015 | 15 | LETTER addressed to Judge Kenneth M. Karas from Joseph Lipari dated March 4, 2015 re: Response to Defendant's Pre-Motion Conference Request. Document filed by Tziva Rapoport-Hecht.(Sultzer, Jason) (Entered: 03/04/2015) |
| 03/06/2015 | 16 | ORDER granting 10 Motion for Michelle Gillette to Appear Pro Hac Vice (HEREBY ORDERED by Judge Kenneth M. Karas)(Text Only Order) (Karas, Kenneth) (Entered: 03/06/2015) |
| 03/06/2015 | 17 | ORDER granting 14 Motion for Daniel J. Herling to Appear Pro Hac Vice (HEREBY ORDERED by Judge Kenneth M. Karas)(Text Only Order) (Karas, Kenneth) (Entered: 03/06/2015) |
| 03/06/2015 | 18 | NOTICE OF APPEARANCE by Daniel J.. Herling on behalf of Seventh Generation, Inc.. (Herling, Daniel) (Entered: 03/06/2015) |
| 03/06/2015 | 19 | NOTICE OF APPEARANCE by Michelle Gillette on behalf of Seventh Generation, Inc.. (Gillette, Michelle) (Entered: 03/06/2015) |
| 03/08/2015 | 20 | MEMO ENDORSEMENT on 15 LETTER addressed to Judge Kenneth M. Karas from Joseph Lipari dated March 4, 2015 re: Response to Defendant's Pre-Motion Conference |

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| | | Request. ENDORSEMENT: The Court will hold a pre-motion conference on April 17, 2015, at 2:30. So Ordered. (Pre-Motion Conference set for 4/17/2015 at 02:30 PM before Judge Kenneth M. Karas) (Signed by Judge Kenneth M. Karas on 3/6/2015) (lnl) (Entered: 03/09/2015) |
| 04/17/2015 | | Minute Entry for proceedings held before Judge Kenneth M. Karas: Pre-Motion Conference held on 4/17/2015. Joseph Lipari and Jason P. Sultzer appeared for Plaintiff. Daniel J. Herling, Francis John Earley, and Michelle Gillette appeared for Defendant. No court reporter served. The Court set a motion schedule. See Order. (RV) (Entered: 04/17/2015) |
| 04/17/2015 | 21 | MOTION SCHEDULING ORDER: At the Pre-Motion Conference held before the Court on April 17, 2015, the Court adopted the following scheduling order: Defendant shall file its motion to dismiss by no later than May 15, 2015. Plaintiff shall file opposition papers by no later than June 19, 2015. Defendant shall file its reply in support of its motion by no later than July 10, 2015. Sur-reply papers will not be accepted unless prior permission of the Court is given. The Parties are reminded that there is a strict page limit, which will be extended only in extreme circumstances. Any pending deadlines found in the Federal Rules of Civil Procedure or in any applicable statute are hereby stayed until the date the motions are due. Courtesy copies are to be served upon the parties by the assigned date. One courtesy copy of all papers also shall be sent to the Court at the time they are served upon opposing counsel. If oral argument is requested, it may be scheduled by the Court. Please wait to hear from the Court to schedule argument. SO ORDERED. (Motions due by 5/15/2015. Responses due by 6/19/2015. Replies due by 7/10/2015.) (Signed by Judge Kenneth M. Karas on 4/17/2015) (lnl) (Entered: 04/20/2015) |
| 04/27/2015 | 22 | STATEMENT OF RELATEDNESS re: that this action be filed as related to 3:15-cv-00205 JST (N.D. Cal.). Document filed by Seventh Generation, Inc..(Foust, Joshua) (Entered: 04/27/2015) |
| 05/15/2015 | 23 R | MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . Document filed by Seventh Generation, Inc..(Gillette, Michelle) (Entered: 05/15/2015) |
| 05/15/2015 | 24 R | MEMORANDUM OF LAW in Support re: 23 R MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . . Document filed by Seventh Generation, Inc.. (Attachments: # 1 R Exhibit A to Memorandum of Law In Support Of Defendant Seventh Generation Inc.'s Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6)))(Gillette, Michelle) (Entered: 05/15/2015) |
| 05/15/2015 | 25 | MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . Document filed by Seventh Generation, Inc..(Gillette, Michelle) (Entered: 05/15/2015) |
| 05/15/2015 | 26 R | MEMORANDUM OF LAW in Support re: 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . . Document filed by Seventh Generation, Inc.. (Gillette, Michelle) (Entered: 05/15/2015) |
| 05/15/2015 | 27 R | DECLARATION of Michelle Gillette in Support re: 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> .. Document filed by Seventh Generation, Inc.. |

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| | | (Attachments: # 1 Exhibit A to Declaration of Michelle Gillette in Support of Defendant Seventh Generation Inc.'s Motion to Strike Class Allegations (Fed. R. Civ. Proc. (d)(1)(D)), # 2 R Exhibit B to Declaration of Michelle Gillette in Support of Defendant Seventh Generation Inc.'s Motion to Strike Class Allegations (Fed. R. Civ. Proc. (d)(1)(D))(Gillette, Michelle) (Entered: 05/15/2015) |
| 06/19/2015 | 28 R | MEMORANDUM OF LAW in Opposition re: 23 R MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . . Document filed by Tziva Rapoport-Hecht. (Sultzer, Jason) (Entered: 06/19/2015) |
| 06/19/2015 | 29 R | MEMORANDUM OF LAW in Opposition re: 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . . Document filed by Tziva Rapoport-Hecht. (Sultzer, Jason) (Entered: 06/19/2015) |
| 07/07/2015 | 30 R | REPLY to Response to Motion re: 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . . Document filed by Seventh Generation, Inc.. (Foust, Joshua) (Entered: 07/07/2015) |
| 07/09/2015 | 31 R | REPLY MEMORANDUM OF LAW in Support re: 23 R MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . . Document filed by Seventh Generation, Inc.. (Earley, Francis) (Entered: 07/09/2015) |
| 12/10/2015 | 32 | CALENDAR NOTICE: Please take notice that the above captioned action has been scheduled for oral argument on any pending motions before the Honorable Kenneth M. Karas, United States District Judge, on Thursday, January 28, 2016 at 2:00p.m. in Courtroom 521, U.S. District Court, 300 Quarropas Street, White Plains, New York 10601. Any scheduling difficulties must be brought to the attention of the Court in writing, at least ten business days beforehand. (Oral Argument set for 1/28/2016 at 02:00 PM in Courtroom 521, 300 Quarropas Street, White Plains, NY 10601 before Judge Kenneth M. Karas.) (Signed by Judge Kenneth M. Karas on 12/10/15) (yv) (Entered: 12/10/2015) |
| 12/18/2015 | 33 | NOTICE OF APPEARANCE by Jean Sedlak on behalf of Tziva Rapoport-Hecht. (Sedlak, Jean) (Entered: 12/18/2015) |
| 01/07/2016 | 34 | NOTICE of Notice of Withdrawal of Counsel. Document filed by Seventh Generation, Inc.. (Herling, Daniel) (Entered: 01/07/2016) |
| 01/08/2016 | 35 | MEMO ENDORSEMENT on re: 34 Notice (Other) filed by Seventh Generation, Inc., (Attorney Michelle Gillette terminated.) ENDORSEMENT: So Ordered. (Signed by Judge Kenneth M. Karas on 1/8/16) (yv) (Entered: 01/08/2016) |
| 01/20/2016 | 36 | LETTER addressed to Judge Kenneth M. Karas from Michelle Gillette dated January 20, 2016 re: notice of new association of law firm and change of address of a lead counsel. Document filed by Seventh Generation, Inc..(Gillette, Michelle) (Entered: 01/20/2016) |
| 01/21/2016 | 37 | MEMO ENDORSEMENT on re: 36 Letter filed by Seventh Generation, Inc. ENDORSMENT: So Ordered. (Signed by Judge Kenneth M. Karas on 1/21/16) (yv) (Entered: 01/21/2016) |
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| 01/28/2016 | | Minute Entry for proceedings held before Judge Kenneth M. Karas: Oral Argument held on 1/28/2016 re: 23 R MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . filed by Seventh Generation, Inc., 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . filed by Seventh Generation, Inc.. (Court Reporter Christina Arends-Dieck) Jason Sultzer and Joseph Lipari appeared on behalf of Plaintiff; Daniel J. Herling, Francis J. Earley, and Joshua Foust appeared on behalf of Defendant. Christina Arends-Dieck served as court reporter. The Court heard oral argument concerning the pending motions. The Court reserved judgment.(CY) (Entered: 01/28/2016) |
| 03/30/2016 | 38 | ENDORSED LETTER addressed to Judge Kenneth M. Karas from Joseph Lipari dated 3/30/16 re: request that the pending motions to dismiss and strike be taken off the court's active motion calendar and held in abeyance. ENDORSEMENT: In light of this letter, the Clerk of the Court is respectfully requested to terminate the pending motions (document numbers 23 and 25), without prejudice to later renewal if the settlement does not occur. So Ordered., Motions terminated: 25 MOTION to Strike Document No. 1 R <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Strike Class Allegations (Fed. R. Civ. Proc. 23(d)(1)(D))</i> . filed by Seventh Generation, Inc., 23 R MOTION to Dismiss <i>Defendant Seventh Generation Inc.'s Notice of Motion and Motion to Dismiss Plaintiff's Complaint (Fed. R. Civ. Proc. 12(b)(6))</i> . filed by Seventh Generation, Inc. (Signed by Judge Kenneth M. Karas on 3/30/16) (yv) (Entered: 03/30/2016) |
| 03/30/2016 | 39 | NOTICE of Withdrawal of Counsel. Document filed by Seventh Generation, Inc.. (Herling, Daniel) (Entered: 03/30/2016) |
| 03/31/2016 | 40 | MEMO ENDORSEMENT on re: 39 Notice of Withdrawal of Counsel filed by Seventh Generation, Inc. ENDORSEMENT: SO ORDERED. Attorney Joshua Thomas Foust terminated. (Signed by Judge Kenneth M. Karas on 3/31/2016) (mml) (Entered: 03/31/2016) |
| 07/01/2016 | 41 | AMENDED COMPLAINT amending 1 R Complaint against Seventh Generation, Inc. with JURY DEMAND.Document filed by Tziva Rapoport-Hecht. Related document: 1 R Complaint filed by Tziva Rapoport-Hecht. (Attachments: # 1 Exhibit Product Photo, # 2 Exhibit Product Photo, # 3 Exhibit Product Photo, # 4 Exhibit Product Photo, # 5 Exhibit Product Photo, # 6 Exhibit Product Photo, # 7 Exhibit Product Photo, # 8 Exhibit Product Photo, # 9 Exhibit Product Photo, # 10 Exhibit Product Photo, # 11 Exhibit Product Photo, # 12 Exhibit Product Photo, # 13 Exhibit Product Photo, # 14 Exhibit Product Photo, # 15 Exhibit Product Photo, # 16 Exhibit Product Photo, # 17 Exhibit Product Photo, # 18 Exhibit Product Photo, # 19 Exhibit Product Photo, # 20 Exhibit Product Photo, # 21 Exhibit Product Photo, # 22 Exhibit Product Photo, # 23 Exhibit Product Photo)(Sultzer, Jason) (Entered: 07/01/2016) |
| 07/01/2016 | 42 R | MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan . Document filed by Tziva Rapoport-Hecht.(Sultzer, Jason) (Entered: 07/01/2016) |
| 07/01/2016 | 43 R | MEMORANDUM OF LAW in Support re: 42 R MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan . . Document filed by Tziva Rapoport-Hecht. (Sultzer, Jason) (Entered: 07/01/2016) |
| 07/01/2016 | 44 | FILING ERROR - DEFICIENT DOCKET ENTRY (SEE 48 Declaration) - DECLARATION of Michael R. Reese in Support re: 42 R MOTION Preliminary Approval |

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| | | of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan .. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 R Exhibit Settlement Agreement)(Sultzer, Jason) Modified on 7/5/2016 (db). (Entered: 07/01/2016) |
| 07/01/2016 | 45 | DECLARATION of Melissa W. Wolchansky in Support re: 42 R MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan .. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Exhibit Firm Resume) (Sultzer, Jason) (Entered: 07/01/2016) |
| 07/01/2016 | 46 | DECLARATION of Jeffrey D. Kalie in Support re: 42 R MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan .. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Exhibit Firm Resume)(Sultzer, Jason) (Entered: 07/01/2016) |
| 07/01/2016 | 47 | DECLARATION of Jason P. Sultzer in Support re: 42 R MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan .. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Exhibit Firm Resume)(Sultzer, Jason) (Entered: 07/01/2016) |
| 07/05/2016 | 48 | DECLARATION of Michael R. Reese in Support re: 42 R MOTION Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan .. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Errata Document 44-1 was filed incorrectly - Correct attached now as Exhibit A to Exhibit 1)(Sultzer, Jason) (Entered: 07/05/2016) |
| 07/06/2016 | 49 | MOTION for Melissa W. Wolchansky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12504404. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Text of Proposed Order Proposed Order Granting Wolchansky Pro Hac Vice, # 2 Exhibit Certificate of Good Standing)(Wolchansky, Melissa) (Entered: 07/06/2016) |
| 07/06/2016 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 49 MOTION for Melissa W. Wolchansky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-12504404. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/06/2016) |
| 07/08/2016 | 50 | ORDER FOR ADMISSION PRO HAC VICE granting 49 Motion for Melissa W. Wolchansky to Appear Pro Hac Vice. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. (Signed by Judge Kenneth M. Karas on 7/8/16) (yv) (Entered: 07/08/2016) |
| 10/05/2016 | 51 | NOTICE of JOINT STATUS REPORT PURSUANT TO RENEWED STIPULATION AND ORDER TO STAY THE CASE MANAGEMENT SCHEDULE FILED IN CALIFORNIA CASE. Document filed by Tziva Rapoport-Hecht. (Lipari, Joseph) (Entered: 10/05/2016) |
| 10/12/2016 | 52 R | ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT, CERTIFYING SETTLEMENT CLASS, APPROVING NOTICE PLAN, AND SCHEDULING DATE FOR FINAL FAIRNESS HEARING granting 42 R Motion for Preliminary Approval of Settlement, Preliminary Certification of Settlement Class and |

Approval of Notice Plan. IT IS ORDERED, ADJUDGED, AND DECREED as follows: All non-settlement-related proceedings in the Action are hereby stayed and suspended until further order of the Court. Having made the findings as further set forth in this Order, the Court hereby preliminarily certifies a plaintiff class for settlement purposes only, pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3), in accordance with the terms of the Settlement Agreement (the "Settlement Class"). The Court preliminarily finds, based on the terms of the Settlement described in the Settlement Agreement and for settlement purposes only, that: (a) the Settlement Class is so numerous that joinder of all members is impracticable; (b) there are issues of law and fact that are typical and common to the Class, and that those issues predominate over individual questions; (c) a class action on behalf of the certified Class is superior to other available means of adjudicating this dispute; and (d) as set forth below, Plaintiffs and Class Counsel are adequate representatives of the Class. As provided for in the Settlement Agreement, if the Court does not grant final approval of the Settlement set forth in the Settlement Agreement, or if the Settlement set forth in the Settlement Agreement is terminated in accordance with its terms, then the Settlement Agreement, and the certification of the Settlement Class provided for herein, will be vacated and the Action shall proceed as though the Settlement Class had never been certified, without prejudice to any party's position on the issue of class certification or any other issue. Defendant retains all rights to assert that the Action may not be certified as a class action, other than for settlement purposes. The Court appoints Michael R. Reese of Reese LLP; Melissa W. Wolchansky of Halunen Law; Jeffrey D. Kalil of Tycko & Zavareei LLP and Jason Sultzer of The Sultzer Law Group as counsel for the Settlement Class. Tziva Rapoport-Hecht, Maggie Tsan, and Erica Wildstein are hereby appointed as Class Representatives. The Court preliminarily approves the Settlement set forth in the Settlement Agreement as being within the range of possible approval as fair, reasonable, and adequate, within the meaning of Rule 23 and the Class Action Fairness Act of 2005, subject to final consideration at the Fairness Hearing provided for below. Accordingly, the Settlement Agreement is sufficient to warrant sending notice to the Class. A Fairness Hearing shall be held on January 26, 2017, at 2:00 p.m. at the United States District Court for the Southern District Of New York, in Courtroom 521, in The Hon. Charles L. Briant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, to determine, among other things: (a) whether the Action should be finally certified as a class action for settlement purposes pursuant to Rule 23(a) and (b)(3); (b) whether the settlement of the Action should be finally approved as fair, reasonable, and adequate pursuant to Rule 23(e); (c) whether the Action should be dismissed with prejudice pursuant to the terms of the Settlement Agreement; (d) whether Settlement Class Members should be bound by the release set forth in the Settlement Agreement; (e) whether Settlement Class Members and related persons should be permanently enjoined from pursuing lawsuits based on the transactions and occurrences at issue in the Action; (f) whether the application of Plaintiffs' Counsel for an award of Attorneys' Fees and Expenses should be approved pursuant to Rule 23(h); and (g) whether the application of the named Plaintiffs for an Incentive Award should be approved. The submissions of the Parties in support of the Settlement, including Plaintiffs' Counsel's application for Attorneys' Fees and Expenses and Incentive Awards, shall be filed with the Court no later than fourteen (14) days prior to the deadline for the submission of objections and may be supplemented up to seven (7) days prior to the Fairness Hearing. The proposed Class Notice, Summary Settlement Notice, the notice methodology described in the Settlement Agreement and in the Declaration of the Notice Administrator are hereby approved. Any Settlement Class Member who has not filed a timely written request for exclusion and who wishes to object to the fairness, reasonableness, or adequacy of the Settlement Agreement, the proposed Settlement, the award of Attorneys'

Fees and Expenses, or the Incentive Awards to Plaintiffs, must (i) file the objection with the Court, no later than [30 days before the Fairness Hearing] December 27, 2016 or as the Court may otherwise direct; and (ii) deliver a copy of the objection to the Class Counsel and Defendant's Counsel and to the Settlement Administrator identified in the Class Notice. Any Settlement Class Member, including Settlement Class Members who file and serve a written objection, as described above, may appear at the Fairness Hearing, either in person or through personal counsel hired at the Settlement Class Member's expense, to object to or comment on the fairness, reasonableness, or adequacy of the Settlement Agreement or proposed Settlement, or to the award of Attorneys' Fees and Expenses or the Incentive Awards to the Plaintiffs. Settlement Class Members who intend to make an appearance at the Fairness Hearing must file a Notice of Intention to Appear with the Court, listing the name, address and phone number of the attorney, if any who will appear, no later than fifteen (15) days before the Fairness Hearing, January 11, 2017, or as the Court may otherwise direct. Class Counsel and Defendant shall have the right to respond to any objection no later than seven (7) days prior to the Fairness Hearing, January 19, 2017, or as the Court may otherwise direct. The Party so responding shall file a copy of the response with the Court, and shall serve a copy, by regular mail, hand or overnight delivery, to the objecting Settlement Class Member or to the individually-hired attorney for the objecting Settlement Class Member; to all Class Counsel; and to Defendant's Counsel. The Court sets the following schedule for the Fairness Hearing and the actions which must precede it: Plaintiffs shall file their Motion for Final Approval of the Settlement by no later than [44 days before Fairness Hearing] December 13, 2016. Plaintiffs shall file their Motion for Attorneys' Fees, Costs and Expenses, and Motion for Incentive Awards by no later than [44 days before Fairness Hearing] December 13, 2016. Settlement Class Members must file any objections to the Settlement and the Motion for Attorneys' Fees, Costs, and Expenses, and/or the Motion for Incentive Awards by no later than [30 days before Fairness Hearing] December 27, 2016. Settlement Class Members must exclude themselves, or opt-out, from the Settlement by no later than [30 days before Fairness Hearing] December 27, 2016. Settlement Class Members who intend to appear at the Final Fairness Hearing must file a Notice of Intention to Appear at the Final Fairness Hearing by no later than [15 days before Fairness Hearing] January 11, 2017. The Notice Administrator shall file: (a) a list of those persons who have opted out or excluded themselves from the Settlement; (b) the details outlining the scope, methods, and results of the notice program; and (c) compliance with the obligation to give notice to each appropriate State and Federal official, as specified in 28 U.S.C. § 1715, and any other applicable statute, law or rule, including, but not limited to, the Due Process Clause of the United States Constitution by no later than [10 days before Fairness Hearing] January 16, 2017. Class Counsel and Defendant shall have the right to respond to any objection no later than [seven (7) days prior to the Fairness Hearing] January 19, 2017. The Fairness Hearing will take place on [no less than 100 days from date of Preliminary Approval] January 26, 2017 at 2:00 p.m. at the United States District Court for the Southern District of New York, in Courtroom 521, in The Hon. Charles L. Briant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York. So Ordered. As further set forth in this Order. (Signed by Judge Kenneth M. Karas on 10/11/16) (yv) (Entered: 10/13/2016)

10/12/2016

Set/Reset Hearings:(Fairness Hearing set for 1/26/2017 at 02:00 PM in Courtroom 521, 300 Quarropas Street, White Plains, NY 10601 before Judge Kenneth M. Karas.), Set/Reset Deadlines: (Motions due by 12/13/2016., Responses due by 12/27/2016) (yv) (Entered: 10/13/2016)

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| 12/13/2016 | 53 | FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement</i> . Document filed by Tziva Rapoport-Hecht. Return Date set for 1/26/2017 at 02:00 PM. (Attachments: # 1 Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Final Approval of the Class Action Settlement, # 2 Declaration of Michael R. Reese, # 3 Declaration of Melissa W. Wolchansky, # 4 Declaration of Jeffrey D. Kaliel, # 5 Declaration of Jason P. Sultzer, # 6 Declaration of Steven Weisbrot, Esq., # 7 Declaration of Tziva Rapoport-Hecht, # 8 Declaration of Maggie Tsan, # 9 Declaration of Erica Wildstein) (Reese, Michael) Modified on 1/5/2017 (db). (Entered: 12/13/2016) |
| 12/13/2016 | 54 | FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives</i> . Document filed by Tziva Rapoport-Hecht. Return Date set for 1/26/2017 at 02:00 PM. (Attachments: # 1 R Memorandum of Law in Support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives, # 2 Declaration of Michael R. Reese, # 3 Declaration of Melissa W. Wolchansky, # 4 Declaration of Jeffrey D. Kaliel, # 5 Declaration of Jason P. Sultzer, # 6 Declaration of Tziva Rapoport-Hecht, # 7 Declaration of Maggie Tsan, # 8 Declaration of Erica Wildstein)(Reese, Michael) Modified on 1/5/2017 (db). (Entered: 12/13/2016) |
| 12/28/2016 | 55 | OBJECTION of Patrick S. Sweeney to Proposed Settlement and Notice of Intent Not to appear at Fairness Hearing (fk) (fk). (Entered: 12/30/2016) |
| 12/30/2016 | 56 R | OBJECTION to Proposed Class Action Settlement. Filed by Ashley Hammack. (fk) (fk). (Entered: 12/30/2016) |
| 01/05/2017 | | ***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Michael Robert Reese to RE-FILE Document 53 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement</i>. 54 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives</i>. ERROR(S): Supporting Documents are filed separately, each receiving their own document #'s. (db) (Entered: 01/05/2017) |
| 01/05/2017 | 57 | MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement</i> . Document filed by Tziva Rapoport-Hecht. Return Date set for 1/26/2017 at 02:00 PM.(Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 58 | MEMORANDUM OF LAW in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement</i> . . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 59 | MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives</i> . Document filed by Tziva Rapoport-Hecht. Return Date set for 1/26/2017 at 02:00 PM.(Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 60 R | MEMORANDUM OF LAW in Support re: 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of</i> |

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| | | <i>Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 61 R | DECLARATION of Michael R. Reese in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 62 | DECLARATION of Melissa W. Wolchansky in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 63 | DECLARATION of Jeffrey D. Kaliel in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 64 R | DECLARATION of Jason P. Sultzer in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 65 | DECLARATION of Steven Weisbrot, Esq. in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 66 | DECLARATION of Tziva Rapoport-Hecht in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 67 | DECLARATION of Maggie Tsan in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/05/2017 | 68 | DECLARATION of Erica Wildstein in Support re: 57 MOTION for Settlement <i>Plaintiffs'</i> |

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| | | <i>Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/05/2017) |
| 01/16/2017 | 69 | NOTICE of Declaration of Notice Administrator. Document filed by Tziva Rapoport-Hecht. (Wolchansky, Melissa) (Entered: 01/16/2017) |
| 01/18/2017 | 70 | NOTICE OF APPEARANCE by David Peter Sibek on behalf of Ashley Hammack. (Sibek, David) (Entered: 01/18/2017) |
| 01/19/2017 | 71 | REPLY to Response to Motion re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/19/2017) |
| 01/19/2017 | 72 | DECLARATION of Troy Walitsky in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> , 59 MOTION for Attorney Fees <i>Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Class Counsel and Incentive Awards to the Class Representatives.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 01/19/2017) |
| 01/26/2017 | | Minute Entry for proceedings held before Judge Kenneth M. Karas: Fairness Hearing held on 1/26/2017. Michael Reese, Jason Sultzer, and Melissa Wolchansky appeared on behalf of Plaintiffs; Daniel Herling and Francis Earley appeared on behalf of Defendant. Sue Ghorayeb served as court reporter. Plaintiffs will submit supplemental briefing by February 17, 2017. (Court Reporter Sue Ghorayeb) (JW) (Entered: 01/26/2017) |
| 02/17/2017 | 73 | SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 57 MOTION for Settlement <i>Plaintiffs' Notice of Motion and Unopposed Motion for Final Approval of the Class Action Settlement.</i> . Document filed by Tziva Rapoport-Hecht. (Reese, Michael) (Entered: 02/17/2017) |
| 03/31/2017 | 74 | LETTER addressed to Judge Kenneth M. Karas from Jason P. Sultzer dated March 31, 2017 re: In Support of Final Approval. Document filed by Tziva Rapoport-Hecht. (Attachments: # 1 Exhibit Declaration of Troy Walitsky)(Sultzer, Jason) (Entered: 03/31/2017) |
| 04/28/2017 | 75 R | ORDER granting 57 Motion for Settlement; granting 59 Motion for Attorney Fees. The Court concludes that the proposed settlement class meets the predominance requirement of Rule 23(b)(3), and for the reasons stated on the record at the fairness hearing on January 26, 2017, the Court concludes that certification of the settlement class is appropriate, the proposed settlement is both procedurally and substantively fair, and the proposed fees, expenses, and incentive awards are likewise appropriate. As set forth in the accompanying Order, the proposed settlement is approved in all respects, and fees, expenses, and incentive awards are granted in the amount specified in the accompanying Order. The Clerk of Court is respectfully directed to terminate the pending Motions. (See Dkt. Nos. 57, 59.) SO ORDERED. (Signed by Judge Kenneth M. Karas on 4/28/17) (yv) (Entered: 04/28/2017) |

04/28/2017

76 R

ORDER APPROVING CLASS ACTION SETTLEMENT AND FINAL JUDGMENT. IT IS HEREBY ORDERED AND ADJUDGED THAT: The Court has jurisdiction over the subject matter of the Action, the Class Representatives, all Class Members, and Defendant Seventh Generation, Inc. ("SVG" or "Defendant"). Without in any way affecting the finality of this Final Judgment and Order Approving Settlement, this Court hereby retains jurisdiction as to all matters relating to administration, consummation, enforcement, and interpretation of the Settlement Agreement and of this Final Judgment and Order Approving Settlement, and for any other necessary purpose. The Court finds, for purposes of effectuating this Settlement only, that the prerequisites for a class action under Federal Rule of Civil Procedure 23(a) and (b)(3) have been satisfied in that: (a) the number of Class Members is so numerous that joinder of all members thereof is impracticable; (b) there are questions of law and fact common to the Class; (c) the claims of the Court-appointed Class Representatives are typical of the claims of the Class they represent; (d) the Class Representatives have and will continue to fairly and adequately represent the interests of the Class; (e) the questions of law and fact common to the members of the Class predominate over any questions affecting only individual members of the Class; and (f) a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finally certifies for purposes of settlement the above-caption actions as a class action on behalf of the Settlement Class, defined as further set forth in this Order. "Class Period" means the period from November 14, 2010, up to and including the date of the Court's Order Preliminary Approving Class Action Settlement, Certifying Settlement Class, Approving Notice Plan, and Scheduling Date for Final Fairness Hearing (the "Preliminary Approval Order"). Pursuant to Federal Rule of Civil Procedure 23(c)(3), all such Persons who satisfy the Class definition above, except those Class Members who timely and validly excluded themselves from the Class, are Settlement Class Members bound by this Judgment. The Court reaffirms the appointment of Plaintiffs Tziva Rapoport-Hecht, Maggie Tsan, and Erica Wildstein as Class Representatives, and finds that they have adequately represented the Settlement Class for purposes of entering into and implementing the Settlement Agreement. The Court reaffirms the appointment of Michael R. Reese of Reese LLP; Melissa W. Wolchansky of Halunen Law; Jeffrey D. Kaliel of Tycko & Zavareei LLP and Jason Sultzer of The Sultzer Law Group as Class Counsel. The Court finds that these lawyers are competent and capable of exercising their responsibilities as Class Counsel, and finds that Class Counsel has adequately represented the Settlement Class for purposes of entering into and implementing the Settlement Agreement. The Court finds that the Class meets all requirements of Federal Rules of Civil Procedure 23(a) and 23(b)(3) for certification of the class claims alleged in the Third Amended Complaint, including: (a) numerosity; (b) commonality; (c) typicality; (d) adequacy of the class representatives and Class Counsel; (e) predominance of common questions of fact and law among the Settlement Class; and (f) superiority. The terms of the Settlement Agreement, and of this Final Judgment and Order Approving Settlement, shall be forever binding on, and shall have res judicata and preclusive effect in, all pending and future lawsuits maintained by Plaintiffs and all other Settlement Class Members who did not timely exclude themselves from the Settlement Class, as well as their heirs, executors, and administrators, successors, and assigns. Defendant is ordered to implement the terms and conditions of the Settlement Agreement, including payment to all Settlement Class Members who have not excluded themselves from this Settlement and who submit a timely, valid Claim pursuant to the Settlement Agreement, and to implement the terms of the injunctive relief agreed to in the Settlement Agreement. The Court has considered the submissions by the Parties and all other relevant factors, including the result achieved and the efforts of Class Counsel in prosecuting the claims on behalf of the Class. Plaintiffs initiated the

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| | | <p>litigation, acted to protect the Class, and assisted their Counsel on behalf of the Class. The efforts of Class Counsel have produced the Settlement Agreement entered into in good faith, and which provides a fair, reasonable, adequate and certain result for the Class. Class Counsel is entitled to a reasonable Fee and Expense Award for their work, which the Court finds to be \$1,500,000. Further, the Court approves a \$5,000 Incentive Awards to each of the Class Representatives. The Fees and Expense Award and Plaintiffs' Service Awards shall be paid by Defendant pursuant to the time table set forth in the Settlement Agreement. The Court finding that no reason exists for delay in ordering final judgment pursuant to Federal Rule of Civil Procedure 54(b), the clerk is hereby directed to enter this Judgment forthwith. This Action (and any and all claims asserted herein at any time) is dismissed in its entirety, on the merits, with prejudice and without leave to amend, with each Party to bear his/her/its own costs and attorneys' fees (except as otherwise expressly provided herein), and all Settlement Class Members who did not timely and properly execute and submit a Request for Exclusion shall be forever barred and permanently enjoined from starting, continuing, or participating in, litigating, or receiving any benefits or relief from any other lawsuit, arbitration, or administrative or regulatory proceeding or order based on or relating to the claims, facts, or circumstances in this Action or the Released Claims except claims relating to the enforcement of the Settlement of the Action. The Released Claims includes only those claims arising out of or relating to the allegations in the Amended Class Action Complaint and the labels or advertising of any SVG Products and does not include any other products. The Released Claims are hereby compromised, settled, released, discharged and dismissed as against the Released Persons on the merits and with prejudice by virtue of the proceedings herein and this Order and Final Judgment. Final Judgment shall be entered herein. So Ordered. (Signed by Judge Kenneth M. Karas on 4/28/17) (yv) (Entered: 04/28/2017)</p> |
| 05/12/2017 | 77 | NOTICE OF APPEAL from 76 R Order, 75 R Order on Motion for Settlement, Order on Motion for Attorney Fees. Document filed by Patrick S. Sweeney. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 05/15/2017) |
| 05/12/2017 | | Appeal Fee Due: for 77 Notice of Appeal. Appeal fee due by 5/26/2017. (tp) (Entered: 05/15/2017) |
| 05/15/2017 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 77 Notice of Appeal. (tp) (Entered: 05/15/2017) |
| 05/15/2017 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 77 Notice of Appeal filed by Patrick S. Sweeney were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/15/2017) |
| 05/16/2017 | | Appeal Fee Payment: for 77 Notice of Appeal. Filing fee \$ 505.00, receipt number 0208-13672921. (Sibek, David) (Entered: 05/16/2017) |
| 07/26/2017 | 78 | MANDATE of USCA (Certified Copy) as to 77 Notice of Appeal filed by Patrick S. Sweeney. USCA Case Number 17-1592. The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to FRAP 42. The stipulation is hereby "So Ordered".. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 07/25/2017. (nd) (Entered: 07/26/2017) |
| 07/09/2018 | 79 | TRANSCRIPT of Proceedings re: oral argument held on 1/28/2016 before Judge Kenneth M. Karas. Court Reporter/Transcriber: Christina Arends-Dieck, (914) 390-4103. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date |

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| | | it may be obtained through PACER. Redaction Request due 7/30/2018. Redacted Transcript Deadline set for 8/9/2018. Release of Transcript Restriction set for 10/9/2018.(Arends-Dieck, Christina) (Entered: 07/09/2018) |
| 07/09/2018 | 80 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a oral argument proceeding held on 01/28/2016 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Arends-Dieck, Christina) (Entered: 07/09/2018) |