

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS – IAS PART 19

PRESENT: Hon. Pam Jackman Brown, JSC

JENNIFER ANN SEIDE and T. COWAN
on behalf of themselves and all others
similarly situated,

Plaintiffs,

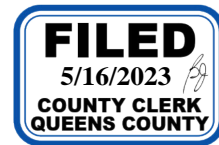
-v-

25-21 31st AVENUE OWNER, LLC

Defendant.

Index No.: 717276/2018
Mot Seq : 008

Order for Preliminary Approval of
Class Action Settlement



Plaintiffs Jennifer Seide and Tausha Cowen (“Plaintiffs”) on behalf of themselves and the Class, by and through their counsel, and Defendant 25-21 31st Avenue Owner, LLC (“Defendant” and together with Plaintiffs, the “Parties”) having applied pursuant to New York Civil Practice Law and Rules (“CPLR”) Rules 907 and 908 for: (a) an order preliminarily approving the proposed settlement (the “Settlement”) of this action (the “Action”); (b) determination of certain matters in connection with the proposed Settlement; and (c) for dismissal, with prejudice, of the putative class action complaint dated November 9, 2018, filed by Plaintiffs in this Action (the “Complaint”), in

accordance with the terms and conditions of the Stipulation and Agreement of Settlement entered into by the Parties dated December 15, 2022 (the “Stipulation”); and

The Court¹ having read and considered the Stipulation and accompanying affirmations and exhibits, and the Parties having consented to the entry of this Preliminary Approval Order,

IT IS HEREBY ORDERED THAT:

1. The Court preliminarily approves the Stipulation and the declaratory relief set forth therein as being fair, reasonable, adequate, consistent with the RSL and RSC and in the best interests of the Class, subject to final determination at the Settlement Hearing.

2. The Settlement Hearing shall be held on the 21st day of August in the year 2023 at 10 a.m., in the Supreme Court of the State of New York, County of Queens, Part 44, 88-11 Sutphin Boulevard, Jamaica, New York 11435, and/or via Microsoft Teams to:

- a. determine whether the Settlement should be finally approved by the Court as fair, reasonable, adequate and in the best interests of the Class;
- b. determine whether an Order and Final Judgment should be entered pursuant to the Stipulation in the form attached as Exhibit C to the Stipulation;

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Stipulation.

- c. consider Plaintiffs' application for an award of attorneys' fees and expenses and for the Class Representative Incentive Award; and
 - d. rule on such other matters as the Court may deem appropriate.
3. The Court reserves the right to adjourn the Settlement Hearing, including, without limitation, the consideration of the application for attorneys' fees.
4. The Court reserves the right to approve the Settlement at or after the Settlement Hearing with such modification(s) as may be consented to by the Parties without further notice to the Class.
5. Within twenty (20) business days after the date of entry of this Order, the Lead Counsel shall cause a notice of the Settlement Hearing in substantially the form annexed as to the Stipulation (the "Notice") to be mailed (and, to the extent possible, emailed) to all Class Members. To the extent such information is known and reasonably available as of the date of this Order, Defendant shall supply to Lead Counsel, in a confidential manner, each Class Member's current or last known residential address, and current or last known email address, (to facilitate locating and providing the Notice to former tenant Class Members who may have changed residences multiple times and to representatives of Class Members who may be incapacitated or deceased), which information the Lead Counsel shall destroy after all of its duties under this Stipulation are fulfilled. Lead Counsel shall, at least ten (10) business days before the Settlement Hearing, file with the Court an appropriate affidavit with respect to the preparation, mailing and publication of the Notice.

6. The form and method of notice herein is the best notice practicable and constitutes due and sufficient notice of the Settlement Hearing to all persons entitled to receive such a notice.

7. All proceedings in the Action, other than such proceedings as may be necessary to carry out the terms and conditions of the Settlement are hereby stayed and suspended until further order of the Court. Pending final determination of whether the Settlement should be approved, Plaintiff, and all Class Members, are barred and enjoined from commencing, prosecuting, instigating or in any way participating in the commencement or prosecution of any action asserting any claims asserted in the Action, either directly, representatively, derivatively, or in any other capacity, against Defendant or any of the parties released in the Stipulation.

8. Any Class Member who objects to the Settlement, the Order and Final Judgment to be entered in the Action, and/or Lead Counsel's application for attorneys' fees, or who otherwise wishes to be heard, may appear in person or by such Class Member's attorney at the Settlement Hearing and present evidence or argument that may be proper and relevant; provided, however, that, except for good cause shown, no person shall be heard and no papers, briefs, pleadings or other documents submitted by any person shall be considered by the Court unless not later than August 4, 2023 such person files with the Court and serves upon all counsel listed below: (a) a written notice of intention to appear containing a notarized statement attesting to the fact that such person is a member of the Class, and setting forth the Unit(s) in the Building in which the member resides or resided and the dates of said residence; (b) a detailed statement of

such person's specific position with respect to the matters to be considered at the Settlement Hearing and the grounds therefore; and (c) copies of any papers such person intends the Court to consider. Such filings shall be served by first class mail upon the following counsel:

Roger A. Sachar Jr., Esq.
NEWMAN FERRARA LLP
1250 Broadway, 27th Floor
New York, NY 10001
rsachar@nflfp.com

Carolyn Z. Rualo, Esq.
ADAM LEITMAN BAILEY, P.C.
One Battery Park Plaza, 18th Floor
New York, NY 10004
crualo@alblawfirm.com

Attorneys for Plaintiffs

Attorneys for Defendant

and then filed with the Clerk of the Supreme Court of the State of New York, County of Queens.

9. Unless the Court otherwise directs, no person shall be entitled to object to the approval of the Settlement, any judgment entered thereon, the adequacy of the representation of the Class by Plaintiffs and Lead Counsel, any award of attorneys' fees, or otherwise be heard, except by serving and filing a written objection and supporting papers and documents as described above. Any person so objecting shall submit themselves to the personal jurisdiction of this Court for discovery purposes pursuant to the CPLR upon three days' written notice, including, without limitation, submitting to a sworn deposition at a place to be determined by Lead Counsel, interrogatories and other written questions, and requests for production of documents, regarding the objector's standing to object and the basis for such objection. Any person who fails to object in the manner described above shall be deemed to have waived the right to object (including

any right of appeal) and shall be forever barred from raising such objection in this or any other action or proceeding.

10. If the Settlement, including any amendment made in accordance with the Stipulation, is not approved by the Court or shall not become effective for any reason whatsoever, the Settlement (including any modification thereof made with the consent of the Parties as provided for in the Stipulation), and any actions taken or to be taken in connection therewith (including this Order and any judgment entered herein) shall be terminated and shall become void and of no further force or effect. In that event, neither the Stipulation, nor any provision contained in the Stipulation, nor any action undertaken pursuant thereto, nor the negotiation thereof by any party shall be deemed an admission or received as evidence in this or any other action or proceeding.

Dated: May 15, 2023
Jamaica, NY



Hon. Pam Jackman Brown, J. S. C.

