

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOHN CHACON and LEONARD
BRADLEY, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

NEBRASKA MEDICINE,

Defendant.

CASE NO. 8:21-cv-00070-RFR-CRZ

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs John Chacon and Leonard Bradley, individually and on behalf of others similarly situated (“Plaintiffs”), hereby move this Court to:

1. Preliminarily approve the Settlement described in the “Settlement Agreement” between Plaintiffs and Defendant Nebraska Medicine (“Defendant”), and the attachments thereto, including the Short Notice, the Long Notice, and the Claim Form, attached to the Declaration of David K. Lietz, filed herewith in support of this Motion;
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs John Chacon and Leonard Bradley as Class Representatives;
4. Appoint David K. Lietz and Gary M. Klinger of Mason Klinger & Lietz LLP as Class Counsel;
5. Approve a customary Short Form Notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as Exhibit A to the Settlement Agreement;

6. Approve a customary Long Form Notice (“Long Notice”) to be posted on the Settlement Website in a form substantially similar to the one attached as Exhibit A to the Settlement Agreement;

7. Direct Notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and Exhibits A, B, and C thereto;

8. Appoint Heffler Claims Group as Notice Specialist and Claims Administrator;

9. Approve the use of a Claim Form substantially similar to that attached as Exhibit C to the Settlement Agreement; and

10. Set a hearing date and schedule for Final Approval of the Settlement and consideration of Settlement Class Counsel’s Motion for Award of Fees, Costs, Expenses, and Service Awards.

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of the Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of David K. Lietz, filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (including Short Form and Long Form Notices); (6) the Claim Form; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (9) the records, pleadings, and papers filed in this action; and (10) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

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Dated: May 25, 2021

Respectfully submitted,

/s/ David K. Lietz

David K. Lietz

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