

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

ROSS PERLMUTTER, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

ANDREW D. SMITH, individually,

Defendant.

Case No. 10 CH 50204

Calendar 3

Judge Allen P. Walker

**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT
AGREEMENT BETWEEN PLAINTIFF AND DEFENDANT AND
APPROVING FORM AND MANNER OF CLASS NOTICE AND
SETTING A HEARING FOR FINAL APPROVAL OF SETTLEMENT**

Ross Perlmutter (“Named Plaintiff”) and Defendant Andrew D. Smith (“Defendant”) (collectively, the “Parties”), having reached a settlement in this matter on a class-wide basis, the Court having reviewed the Class Action Settlement Agreement (“Class Action Settlement Agreement”) and the record in this Litigation, including the Plaintiff’s Unopposed Motion for Preliminary Approval of the Parties’ Class Action Settlement Agreement and for Approval of Form and Manner of Class Notice and Scheduling Hearing for Final Approval of Settlement,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the Class Action Settlement Agreement and the Settlement set forth therein as being fair, reasonable, and adequate. The Class Action Settlement Agreement is the result of arm’s-length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.

2. The Court approves the Parties' proposed Notice of Class Action, Proposed Settlement and Hearing, and the manner in which notices will be given as provided in the Class Action Settlement Agreement.

3. The Court further appoints Analytics Consulting, LLC as the Settlement Administrator.

4. Within twenty-eight (28) days after the deadline to opt-out or file objections, Class Counsel will submit to the Court any necessary documents for the Court's consideration of Final Approval of the Class Action Settlement Agreement, including any Motions, final calculations of settlement payments to the Class Members, and responses to any objections and/or comments.

5. The Fairness Hearing is hereby scheduled to be held before the Court on **September 5, 2023 at 11:00 a.m.** via video conference via Zoom (Meeting ID: 955 0046 1687; Password: 640378) or via teleconference at 312-626-6799.

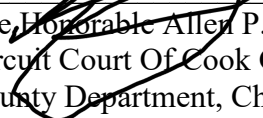
6. Pending final approval of the Class Action Settlement Agreement, the prosecution of this case against Defendant is hereby stayed; the Class Representative, all members of the Class, and each of them, and anyone who acts or purports to act on their behalf, shall not threaten, institute, commence or prosecute any action that seeks to assert claims against Defendant related to the subject matter of this lawsuit.

7. The Court reserves exclusive and continuing jurisdiction over this Litigation, the Class Representative, the Class, and the Defendant for the purposes of: (1) supervising the implementation, enforcement, construction, and interpretation of this Order and the Class Action Settlement Agreement upon the entry of a Final Order by this Court granting final approval of the Class Action Settlement Agreement and dismissing this Lawsuit with prejudice, or in the event of an appeal of such Final Order, the final resolution of the appeal upholding the Final Order; (2)

supervising the distribution of the Settlement Fund; and (3) resolving any disputes or issues that may arise in connection with this Litigation or the Settlement of this Litigation.

It is so ordered.

DATE: April 7, 2023



The Honorable Allen P. Walker
Circuit Court Of Cook County, Illinois
County Department, Chancery Division

Allen Price Walker
Associate Judge

Apr. 7, 2023

Circuit Court - 2071