## CAUSE NO. DC-24-00843

EFSTATHIOS MAROULIS, BRUCE
DAY, and RUBY MORAN, individually
and on behalf of all others similarly
situated,

Plaintiffs,

٧.

COOPER CLINIC, P.A., COOPER MEDICAL IMAGING, LLP, and COOPER AEROBICS ENTERPRISES, INC..

Defendant.

§ IN THE

§ 44<sup>TH</sup> J

§ DALLA:

IN THE DISTRICT COURT

44<sup>™</sup> JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

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

Pursuant to Tex. R. Civ. P. 42, et seq. Plaintiffs Efstathios Maroulis, Bruce Day, and Ruby Moran ("Plaintiffs"), individually and on behalf of all others similarly situated, respectfully move this Court for the entry of the proposed Preliminary Approval Order submitted herewith, which seeks preliminary approval of a proposed class action settlement (the "Settlement") and certification of a proposed settlement class (the "Settlement Class") as defined therein. In support of this request, Plaintiffs state the following:

- 1. The terms of the Settlement are set forth in the Settlement Agreement that was executed in January 2025, attached as Exhibit 1 to Plaintiffs' accompanying memorandum filed contemporaneously herewith.
- 2. The relief sought in this motion is supported by the Joint Declaration of Counsel, attached as Exhibit 2 to Plaintiffs' memorandum in support of this Motion;

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Plaintiffs' memorandum of law in support of the motion for preliminary approval; and the proposed orders and other supporting documents submitted herewith.

3. Plaintiffs state that the proposed Settlement falls within the approvable range of fair, reasonable, and adequate; satisfies the requirements of Tex. R. Civ. P. 42, *et seq.*, and should be preliminarily approved by this Court.

WHEREFORE, Plaintiffs respectfully request that the Court enter the [Proposed] Order granting preliminary approval of the class action Settlement, conditionally certifying a Settlement Class, granting preliminary approval of the Settlement Agreement, approving the form and manner of Notice, and scheduling a Final Approval Hearing.

Dated: January 23, 2025 Respectfully submitted,

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Counsel for Plaintiffs and the Proposed Class

## **CERTIFICATE OF CONFERENCE**

I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that they do not oppose this motion.

Certified to the 23rd of January, 2025 by

<u>/s/ William B. Federman</u> William B. Federman

## **CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of this document has been served on all counsel of record via E-File Texas on this 23<sup>rd</sup> day of January, 2025.

<u>/s/ William B. Federman</u> William B. Federman