

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MATT DIFRANCESCO, ANGELA MIZZONI, and LYNN
MARRAPODI, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UTZ QUALITY FOODS, INC.,

Defendant.

Civil Action No. 1:14-CV-14744-DPW

**PLAINTIFFS' MOTION FOR
PRELIMINARY REVIEW AND AUTHORIZATION OF NOTICE OF
CLASS ACTION SETTLEMENT**

Plaintiffs Matt DiFrancesco, Angela Mizzoni, and Lynn Marrapodi (“Plaintiffs”), on behalf of the proposed Class and through their undersigned attorneys, hereby move for an order: (1) preliminarily certifying the Class for settlement purposes; (2) approving the Parties’ proposed form and method of giving Notice to the Class and the procedures for Class Members to exclude themselves from or object to the Settlement; (3) directing that Notice be disseminated to the Class; (4) finding that such Notice constitutes the best notice practicable under the circumstances; (5) appointing Plaintiffs as Class Representatives; (6) appointing Robert Ahdoot and Tina Wolfson of Ahdoot & Wolfson, PC as Class Counsel; (7) appointing Angeion Group as the Settlement Administrator; (8) scheduling various dates for requirements and/or obligations of the Parties and Class Members as set forth in the table below and more fully described in the [Proposed] Notice Approval Order, filed concurrently with the Amended Settlement Agreement as Exhibit 5; and (9) scheduling a Fairness Hearing during which the Court will consider (a) whether the proposed Settlement should be finally approved and whether to enter a Final Order and Judgement, substantially in the forms filed concurrently with the Amended Settlement Agreement as Exhibits 3 and 4, (b) Class Counsel’s application for an award of Attorneys’ Fees and reimbursement of Expenses and Service Awards to the Class Representatives, and (c) dismissal of the Action pending before this Court.

EVENT	DATE
Notice dissemination to the Class begins	Not later than 15 calendar days after entry of the Notice Approval Order
Deadline for Notice dissemination to be substantially completed	Not later than 90 days after entry of the Notice Approval Order
Deadline for Parties to file responses to any objections	7 days prior to Final Approval Hearing
Final Approval Hearing	Not later than 185 days after entry of Notice Approval Order

This Motion is made pursuant to Fed. R. Civ. P. 23 and is based upon: this Motion; the accompanying Memorandum of Points and Authorities and Exhibit A thereto; the concurrently filed Amended Settlement Agreement, including the amendments and Exhibits thereto; the previously filed declarations of Tina Wolfson (Plaintiffs' proposed Class Counsel) (Dkt. 87-1), of Steven Weisbrot on behalf of the proposed Settlement Administrator (Dkt. 87-2), and of Elisa Odabashian on behalf of the proposed *cy pres* recipient, Consumers Union (Dkt. 87-3), and such evidence and argument as the Court may consider at any hearing on this Motion.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

The undersigned counsel certify that they have conferred with counsel for Defendant with the following result: Defendant assented to the prior two similar motions for preliminary review of the proposed Settlement, however, defense counsel was not able to review this motion in time to give assent, though defense counsel did not foresee opposing this motion.

Respectfully submitted,

Dated: December 6, 2017

AHDOOT & WOLFSON, PC

By: /s/ Tina Wolfson
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*Counsel for Plaintiffs and
Proposed Settlement Class Counsel*

CERTIFICATE OF SERVICE

I hereby certify I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 6, 2017.

/s/ Tina Wolfson
Tina Wolfson