

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 19-22864-Civ-COOKE/GOODMAN

JUAN COLLINS and JOHN FOWLER,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

QUINCY BIOSCIENCE, LLC,
a Wisconsin limited liability company,

Defendant.

**JOINT MOTION FOR STAY OF CLAIMS PENDING APPROVAL OF
SETTLEMENT PROCEEDINGS AND NOTICE OF CLASS-WIDE SETTLEMENT**

Plaintiffs Juan Collins and John Fowler (“Plaintiffs”) individually and on behalf of the putative class, and Defendant Quincy Bioscience, LLC (“Defendant”) (collectively, the “Parties”), are proud to announce that a global mediation conducted over the course of three weeks with The Honorable John Thornton has resulted in a Settlement of this matter. Accordingly, the Parties hereby jointly move for an Order staying all claims pending completion and approval of the Parties’ nationwide class settlement.

To save this Court’s and the Parties’ resources, the Parties request a brief stay of these proceedings in accordance with the proposed timetable below, so that the Parties can devote their resources to drafting and finalizing the settlement agreement that memorializes their settlement in principle (“Settlement Agreement”) and then to seeking preliminary and final approval of that Settlement Agreement pursuant to Rule 23(e) of the Federal Rules of Civil

Procedure. In support of the requested stay and proposed time schedule, the Parties state the following:

1. On May 26, 2020, Plaintiffs and Defendant reached an agreement in principle to resolve all claims against the Defendant in this proceeding.

2. The Parties have initialed a Settlement Term Sheet subject to finalizing a settlement agreement that contemplates a settlement of all issues in this action, eligibility of putative settlement class members for a class settlement payment, significant equitable relief to all putative settlement class members, and dismissal of all claims against Defendant with prejudice in this and the companion cases pending against the Defendant (and other entity and individual defendants) in other jurisdictions.

3. After execution of the Settlement Agreement, Plaintiffs will present it to the Court and seek preliminary approval of the Parties' settlement, including the plan of notice to the settlement class, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

4. It is well settled that this Court has the authority to stay proceedings to manage its docket, based upon the circumstances of a particular case. *See, e.g., Landis v. North Am. Water Works & Elec. Co.*, 299 U.S. 248, 254 (1936); *Republic of Venezuela v. Philip Morris Cos., Inc.*, No. 99-0586-Civ, 1999 WL 33911677, at *1 (S.D. Fla. Apr. 28, 1999).

5. Here, a stay is particularly appropriate because the Parties have reached a settlement in principle with Plaintiffs and all of the class action plaintiffs with PrevaGen cases pending in several courts throughout the U.S. A stay is necessary so that the Parties can devote the requisite time to finalizing the Settlement Agreement and then completing the preliminary and final approval process for that settlement. A class-wide settlement, once approved, will resolve all claims and issues in this action.

6. A stay also will conserve the Parties' and the Court's resources, and will allow the Parties to focus on settlement, rather than spending their efforts on preparing for trial, conducting any remaining discovery, and briefing any further dispositive motions or motions *in limine* that will turn out to be unnecessary if the settlement is approved. Likewise, if a stay is granted, the Court will save its resources by not having to resolve the pending Motion to Dismiss, Objections to the Report and Recommendation on Plaintiffs' Motion for Class Certification, and any other potential motions, including summary judgment, that the Parties may file if the action is not stayed.

7. Because the requested stay will save considerable time and expense for Plaintiffs, the putative settlement class, and the Defendant, as well as conserve the Court's resources, the Parties collectively request that the Court stay the case according to the proposed schedule below, which sets out specific deadlines for the execution of the Settlement Agreement, the filing of a status report, and the seeking of preliminary approval before the Court:

- a. Settlement Agreement shall be executed by Monday, June 22, 2020;
- b. Motion for Preliminary Approval of the Settlement Agreement shall be filed by Friday, June 26, 2020.
- d. If the Motion for Preliminary Approval is granted, the Court shall set a date and time for the Final Approval Hearing.

WHEREFORE, the Parties respectfully request that the Court enter the Order, attached as **Exhibit A**, staying all claims pending execution and approval of a class-wide Settlement Agreement that sets specific timelines for the Parties to seek preliminary approval of the Settlement Agreement.

Respectfully submitted this 28th day of May, 2020.

/s/ Adam M. Moskowitz

/s/ Matthew Luzadder

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| | QUINCY BIOSCIENCE, LLC |
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed on May28, 2020 with the Clerk by using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Adam M. Moskowitz

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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JUAN COLLINS and JOHN FOWLER,
on behalf of themselves and all others
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Plaintiffs,

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QUINCY BIOSCIENCE, LLC,
a Wisconsin limited liability company,

Defendant.

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR STAY OF CLAIMS
PENDING APPROVAL OF SETTLEMENT PROCEEDINGS AND
NOTICE OF CLASS-WIDE SETTLEMENT**

This **CAUSE** is before the Court on the Joint Motion for Stay of Claims Pending Approval of Settlement Proceedings and Notice of Class-Wide Settlement (“Joint Motion”). [ECF No. ____]. Plaintiffs and Defendant have advised the Court that: (a) they have reached a class-wide settlement that, if approved, will resolve all claims in this action against the Defendant; (b) the Parties have signed a Settlement Term Sheet and are in the process of finalizing a written Settlement Agreement; and (c) the Parties will seek preliminary and final approval of their class-wide settlement, upon finalization of their written Settlement Agreement, in accordance with the Parties’ proposed timetable.

Therefore, having reviewed the record and having otherwise been duly advised on the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Joint Motion is **GRANTED**.

2. This matter is hereby stayed pending the Parties' execution and the Court's approval of a class-wide Settlement Agreement.

3. The Parties will engage in settlement proceedings according to the following schedule:

- a. The Parties will execute a Settlement Agreement no later than June 22, 2020;
- b. Plaintiffs shall file a Motion for Preliminary Approval of the Class-Wide Settlement by June 26, 2020;
- c. If the Motion for Preliminary Approval is granted, the Court shall set the date and time for the Final Approval Hearing.

DONE and ORDERED, in Chambers, in Miami, Florida, May ____, 2020.

Jonathan Goodman
United States Magistrate Judge