

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIFFANY ROPER and HEIDI
EMMERLING, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

RISE INTERACTIVE MEDIA &
ANALYTICS, LLC,

Defendant.

Case No. 1:23-cv-1836

Judge: Hon. Lindsay Jenkins

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

Plaintiffs Tiffany Roper and Heidi Emmerling (“Representative Plaintiffs”), individually and on behalf of the Settlement Class (as defined below), hereby move this Court to:

1. Stay all proceedings other than those related to approval of the Class Action Settlement;
2. Stay and/or enjoin, pending Final Approval of the Class Action Settlement, any actions brought by Settlement Class Members concerning the Released Claims;
3. Preliminarily certify the Settlement Class for settlement purposes only;
4. Preliminarily approve the settlement described in the “Settlement Agreement” between Plaintiffs and Defendants Rise Interactive Media & Analytics, LLC (“Defendant”), as fair, adequate, and reasonable;
5. Appoint Representative Plaintiffs as Class Representatives;

6. Appoint Carl Malmstrom of Wolf Haldenstein Adler Freeman & Herz LLC as Class Counsel;

7. Approve the notice program, as set forth in Paragraph 3.1.1 *et seq.* of the Settlement Agreement and set the dates for the Claims Deadline, Opt-Out Deadline, and Objection Deadline;

8. Approve the form and contents of a long form notice (“Long Form Notice”) to be posted on the settlement website substantially similar to the one attached to the Settlement Agreement as Exhibit B, and a Summary Notice to be mailed and emailed to Settlement Class Members (“Postcard Notice”) substantially similar to the one attached to the Settlement Agreement as Exhibit C, which together shall include a fair summary of the settling Parties’ respective litigation positions, the general terms of the settlement set forth in the Settlement Agreement, instructions for how to object to or submit a Request for Exclusion, and the date, time and place of the Final Approval Hearing;

9. Approve a Claim Form substantially similar to that attached to the Settlement Agreement as Exhibit A;

10. Appoint Analytics LLC as Claims Administrator;

11. 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 in Support of the Unopposed Motion for Preliminary Approval of Class Action Settlement; (3) the Settlement Agreement; (4) the Notices of Class Action Settlement (including Long Form and Postcard Notice); (5) the Claim Form; (6) the records, pleadings, and papers filed in this action; and (7)

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.

Date: October 18, 2024

Respectfully Submitted,

/s/ Carl V. Malmstrom

Carl V. Malmstrom

WOLF HALDENSTEIN ADLER

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