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22 *Counsel for Plaintiffs and the Proposed Class*

23 **UNITED STATES DISTRICT COURT**
24 **SOUTHERN DISTRICT OF CALIFORNIA**

25 SHERRY HUNTER, on behalf of herself,
26 all others similarly situated and the
27 general public,

28 Plaintiff,

v.

NATURE'S WAY PRODUCTS, LLC,
and SCHWABE NORTH AMERICA,
INC.,

Defendant.

Case No.: 3:16-cv-00532-WQH-AGS

**PLAINTIFF'S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: August 26, 2019

Dept.: 14B

Judge: Hon. William Q. Hayes

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT, on August 26, 2019 or as soon thereafter as may be
3 heard, in Department 14B of the United States District Court for the Southern District of
4 California, before the Hon. William Q. Hayes, plaintiff Sherry Hunter will and hereby does
5 move the Court for entry of an Order preliminarily certifying a nationwide settlement class
6 and approving a proposed class action settlement agreement, and more particularly:

- 7 1. Preliminarily certifying a class and appointing plaintiff and her counsel to
8 represent the class;
- 9 2. Preliminarily approving the proposed class settlement;
- 10 3. Approving the parties' proposed forms of notice and notice program, and
11 directing that notice be disseminated to the class pursuant to this program; and
- 12 4. Setting a fairness hearing and certain other dates in connection with the
13 final approval of the Settlement.

14 This motion—which is unopposed by Defendants—is based upon the accompanying
15 memorandum of points and authorities, the concurrently-filed declaration of Jack Fitzgerald
16 and Paul K. Joseph, all exhibits, and all papers and records on file in this matter, and any
17 further argument offered in support of the motion.

18
19 Dated: July 22, 2019

Respectfully Submitted,

20 /s/Jack Fitzgerald

21 Jack Fitzgerald

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