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Attorneys for Plaintiff and the Proposed Class

EDWARD GONSHOROWSKI,
on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

SPENCER GIFTS LLC.,

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
ATLANTIC COUNTY**

Docket No. ATL-L-000311-22

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Plaintiffs Edward Gonshorowski, individually and behalf of others similarly situated (“Plaintiff”), hereby moves this Court to:

1. Preliminarily approve the settlement described in the “Settlement Agreement”

between Plaintiff and Spencer Gifts LLC. (“Defendant”), and the attachments thereto, including the Claim Form, the Short Form Notice, the Long Form Notice, and the Proposed Preliminary Approval Order, and the Proposed Final Approval Order, attached to the Settlement Agreement and Declaration of David K. Lietz, filed herewith in support of this Motion as fair, reasonable, and adequate;

2. Provisionally certify the Settlement Class pursuant to N.J. Rule 4:32-1 for settlement purposes only;

3. Approve the Notice Program set forth in the Settlement Agreement, including the form and content of the notices attached to the Settlement Agreement as Exhibits A and B;

4. Designate Plaintiff Edward Gonshorowski as Class Representative;

5. Appoint David K. Lietz of Milberg Coleman Bryson Phillips Grossman PLLC as Class Counsel;

6. Approve the retention of Postlethwaite & Netterville APAC (“P&N”) as Notice Specialist and Claims Administrator;

7. Approve the procedures set forth in Sections 4 and 5 of the Settlement Agreement for Settlement Class Members to exclude themselves from the Settlement Class or object to the Settlement;

8. Approve the use of a claim form substantially similar to that attached as Exhibit C to the Settlement Agreement, filed herewith;

9. Further stay the Action of otherwise adjourn litigation deadlines pending Final Approval of the Settlement;

10. Stay and/or enjoin, pending Final Approval of the Settlement, any actions brought by Settlement Class Members concerning a Released Claim; and

11. Schedule a Final Approval Hearing for a time and date convenient for the Court, at which the Court will conduct an inquiry into the fairness of the Settlement, final approval of the Settlement and consideration of Settlement Class Counsel's Motion for Award of Fees, Costs, Expenses, and Service Awards for the Class Representatives (which shall be filed fourteen (14) days prior to the opt-out and objection deadlines).

This Motion is based upon: (1) this Motion; (2) the Memorandum in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of David K. Lietz filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (both Short and Long Form); (6) the Claim Form; (7) the [Proposed] Consent Order Granting Preliminary Approval of Class Action Settlement; (8) the records, pleadings, and papers filed in this action; and (10) 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.

DATED: August 23, 2022

Respectfully submitted,

s/Roopal P. Luhana
 Roopal P. Luhana, Esq.
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CERTIFICATE OF SERVICE

I, Roopal P. Luhana, hereby certify that a copy of this brief was sent to counsel of record via the state court's e-filing system.

DATED: August 23, 2022

By: /s/ Roopal P. Luhana
Roopal P. Luhana