

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

*In re: Midwestern Pet Foods Marketing, Sales  
Practices and Product Liability Litigation*

Case No. 3:21-cv-00007-RLY-MPB

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

Plaintiffs Kelleen Reagan, Marcia Berger, Tammy Johnson, Harvey Williams, Jannette Kern, Ashley Lill, Charles Foster, James Buechler, Sue Flynn, Tiffany Carlson, Connor Staponski, Shannon Proulx, Stephanie Romero, Shanda Marshall, Owen Woodall, David Starnes, Chanler Potts, Vollie Griffin, Henry Franco, Jr., Robert Lee, and Crystal Fabela ("Plaintiffs"), by and through their attorneys, respectfully move the Court for an Order:

1. Granting preliminary approval of the proposed class action Settlement;
2. Preliminarily certifying, for settlement purposes only, and pursuant to the terms of the Settlement Agreement, the proposed Settlement Class for the purposes of providing notice to the Members of the proposed Settlement Class, approving the form and content of, and directing the distribution of the proposed Class Notice, attached as Exhibit B to the Settlement Agreement;
3. Authorizing and directing the Parties to retain Epiq as the Settlement Administrator;
4. Appointing Jeffrey S. Goldenberg of Goldenberg Schneider, L.P.A, Rosemary M. Rivas of Gibbs Law Group LLP, and Kenneth A. Wexler of Wexler Boley & Elgersma LLP as Class Counsel.
5. Scheduling a date for the Final Approval Hearing not earlier than August 14, 2023.

In support of this Motion, Plaintiff relies upon the accompanying Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement (“Memorandum”); the Declaration of Jeffrey S. Goldenberg (“Goldenberg Decl.”) attached as Exhibit 3 to the Memorandum; the Declaration of Cameron Azari (“Azari Decl.”) attached as Exhibit E to the Settlement Agreement; the Settlement Agreement attached as Exhibit 1 to the Memorandum<sup>1</sup>; the records, pleadings, and papers filed in this action; and such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

A Proposed Order Granting Preliminary Approval to this Settlement is attached as Exhibit 2 to the Memorandum.

Dated: January 9, 2023

Respectfully submitted,

/s/ Jeffrey S. Goldenberg

Kathleen A. DeLaney  
**DELANEY & DELANEY LLC**  
3646 North Washington Blvd.  
Indianapolis, IN 46205  
Telephone: (317) 920-0400  
Facsimile: (317) 920-0404  
kathleen@delaneylaw.net  
aconklin@delaneylaw.net

Lynn A. Toops  
**COHEN & MALAD, LLP**  
One Indiana Square, Suite 1400  
Indianapolis, Indiana 46204  
Telephone: (317) 636-6481  
ltoops@cohenandmalad.com  
llaforanara@cohenandmalad.com

*Interim Co-Liaison Counsel*

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<sup>1</sup> Class Counsel are still collecting several signatures to the Settlement Agreement and will supplement the record with a fully executed Settlement Agreement in the near future.

Rosemary M. Rivas (*pro hac vice*)  
**GIBBS LAW GROUP LLP**  
1111 Broadway, Suite 2100  
Oakland, CA 94607  
Telephone: (510) 350-9700  
Facsimile: (510) 350-9701  
[rmr@classlawgroup.com](mailto:rmr@classlawgroup.com)

Jeffrey S. Goldenberg (*pro hac vice*)  
**GOLDENBERG SCHNEIDER, LPA**  
4445 Lake Forest Drive, Suite 490  
Cincinnati, OH 45242  
Telephone: (513) 345-8297  
Facsimile: (513) 345-8294  
[jgoldenberg@gs-legal.com](mailto:jgoldenberg@gs-legal.com)

Kenneth A. Wexler (*pro hac vice*)  
**WEXLER BOLEY & ELGERSMA LLP**  
311 S. Wacker Drive, Suite 5450  
Chicago, IL 60606  
Telephone: (312) 346-2222  
Facsimile: (312) 589-6271  
[kaw@wbe-llp.com](mailto:kaw@wbe-llp.com)

*Interim Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2023, a copy of the foregoing **PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

*/s/ Jeffrey S. Goldenberg*