

**IN THE CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS
18TH JUDICIAL CIRCUIT**

DANIEL O'MALLEY, LUCAS YOUNG, and
CHARLES BUCKINGHAM, *individually and
on behalf of all others similarly situated,*

Plaintiffs,

v.

FLOSPORTS, INC.,

Defendant.

Case No. 2023LA000516

**NOTICE OF UNOPPOSED, SECOND AMENDED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that on September 28, 2023 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Angelo Kappas, or anyone sitting in his stead, in Courtroom 2020, via Zoom (www.18thjudicial.org/18thJudicial/Remote-Court-Hearings) and shall then and there present Plaintiffs' Unopposed, Second Amended Motion For Preliminary Approval of Class Action Settlement, a copy of which is attached hereto and herby served upon you, to move this Court to:

- a) Schedule a Fairness Hearing on the question of whether the proposed Class Action Settlement should be approved as fair, reasonable, and adequate;
- b) Approve the form and content of the proposed Notice to the Settlement Class;
- c) Approve the form and content of the proposed Claim Form;
- d) Approve the proposed method of requesting exclusion from the Settlement;
- e) Direct the mailing of the Notice and Claim Form by first-class mail to the Settlement Class Members;
- f) Preliminarily approve the Settlement; and
- g) Preliminarily certify the Settlement Class, for purposes of settlement only.

Plaintiffs' Motion is based on: this Notice; the Second Amended Motion for Preliminary Approval of Class Action Settlement; the Settlement Agreement; the Declaration of L. Timothy Fisher; all exhibits and attachments to the Motion, the Fisher Declaration, the Declaration of Mark Schey of AI Class Solutions, LLC, proposed Settlement Administrator in this case, and the

Settlement Agreement, including the Parties' draft Notice, and Proposed Preliminary Approval Order submitted herewith.

Dated: September 21, 2023

Respectfully submitted,

By: s/ J. Dominick Larry

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** Pro Hac Vice Application Forthcoming*

Proposed Settlement Class Counsel

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on September 21, 2023, I e-filed the foregoing through an approved e-filing vendor, which will provide electronic copies to the counsel identified below:

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Dated: September 21, 2023

s/ J. Dominick Larry
One of Plaintiff's Attorneys