

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHENECTADY**

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**JEANETTE CONIGLIO, individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

Index No. 2024-1351

CARENET MEDICAL GROUP, P.C.

Defendant.

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

PLEASE TAKE NOTICE that upon the Affirmation of Cassandra P. Miller in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, and the Exhibits attached thereto, and the Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, and all other pleadings and proceedings herein, Plaintiff Jean Coniglio, individually and on behalf of all others similarly situated, will move this Court, at the Supreme Court, Schenectady County Courthouse, 612 State Street, Schenectady, New York 12305, at 9:30 a.m., on December 3, 2024, or as soon thereafter as counsel may be heard, pursuant to N.Y. C.P.L.R. Ch. 8, Art. 9, §§ 901-904, and 908, for an Order to:

1. Preliminarily approve the settlement described in the “Settlement Agreement” between Plaintiff and Defendant, CareNet Medical Group, P.C. (“CareNet” or “Defendant”), and the attachments thereto (including the Claim Form, the Short Form Notice, the Long Form Notice, and the Proposed Preliminary Approval Order) filed herewith in support of this Motion as fair, reasonable, and adequate;

2. Provisionally certify the Settlement Class pursuant to Rules 901 and 902 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 1-3;
4. Designate Plaintiff as Class Representative;
5. Appoint Cassandra P. Miller of Strauss Borrelli PLLC as Class Counsel;
6. Approve the retention of RG/2 Claims Administration as Settlement Administrator;
7. Approve the procedures set forth in Section 5 of the Settlement Agreement (Exhibit A to the Declaration of Plaintiff's Counsel Supporting the Motion for Preliminary Approval) 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 3 to the Settlement Agreement, filed herewith;
9. Further stay the Action or 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 120 days or more after a Preliminary Approval Order is entered, 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, Expenses, Expenses, and Service Awards for the Class Representatives.

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 Affirmation of Cassandra P. Miller filed herewith as **Appendix 1** (“Miller Affirm.”); (4) the Settlement Agreement, filed herewith as **Exhibit A** to the Miller Affirm. (App. 1); (5) the Notices of Class Action Settlement (both Short and Long Form), filed herewith as **Exhibits 1-2** to the Settlement Agreement; (6) the Claim Form, filed herewith as **Exhibit 3** to the Settlement Agreement; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement, filed herewith as **Exhibit 4** to the Settlement Agreement; (8) the [Proposed] Final Approval Order, filed herewith as **Exhibit 5** to the Settlement Agreement; (9) the Firm Resume of Strauss Borrelli PLLC filed herewith as **Exhibit B** to the Declaration of Cassandra P. Miller (App. 1) (10) the records, pleadings, and papers filed in this action; and (11) 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: November 11, 2024

Respectfully submitted,

By: /s/ Cassandra P. Miller

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