

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Morgan Stanley Data Security Litigation

Civil Action No.
1:20-cv-05914-AT

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

Plaintiffs John and Midori Nelson, Sylvia Tillman, Mark Blythe, Vivian Yates, Cheryl and Richard Gamen, Amresh Jaijee, Richard Mausner, Desiree Shapouri, and Howard Katz (collectively, "Plaintiffs"), individually and on behalf of all others similarly situated, by and through their undersigned counsel, hereby move without opposition to:

1. Preliminarily approve the class action settlement and direct notice to the Settlement Class pursuant to Rule 23(e);
2. Provisionally certify the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) and (e) for settlement purposes only;
3. Appoint John and Midori Nelson, Sylvia Tillman, Mark Blythe, Vivian Yates, Cheryl and Richard Gamen, Amresh Jaijee, Richard Mausner, Desiree Shapouri, and Howard Katz as Class Representatives;
4. Appoint Linda P. Nussbaum of Nussbaum Law Group, P.C. and Jean S. Martin of Morgan & Morgan Complex Litigation Group as Class Counsel;
5. Approve the proposed Notice Plan, Short Form Notice, Long Form Notice, and Claim Form;

6. Appoint Epiq Class Action & Claims Solutions, Inc. to provide notice and claims administration; and

7. Adopt the proposed schedule for notice and final approval of the Settlement.

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 Declaration of Linda P. Nussbaum filed herewith; (4) the Settlement Agreement and exhibits; (5) 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 on the Motion.

Dated: December 31, 2021

Respectfully submitted,

MORGAN & MORGAN

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Interim Co-Lead Counsel for Plaintiffs and Proposed Class Counsel