

DOCKET NO. X10-UWY-CV-14-6023215-S	:	SUPERIOR COURT
	:	
DOUGLAS BRETT, TERRENCE FOX,	:	
STEVEN PULFORD, and MARK RYAN, on	:	J.D. OF WATERBURY
behalf of themselves and all others similarly	:	
situated,	:	
	:	COMPLEX LITIGATION DOCKET
Plaintiffs,	:	
	:	
vs.	:	AUGUST 12, 2021
	:	
PEPPERIDGE FARM, INC.,	:	
	:	
Defendant.	:	

**CONSENT MOTION FOR
MODIFICATION OF PRELIMINARY APPROVAL ORDER**

Named plaintiffs Douglas Brett, Terrence Fox, Steven Pulford, and Mark Ryan hereby move the court for certain modifications of the court's order granting preliminary approval of the class settlement in this matter (doc. 158.00), as set forth in the proposed order attached to this motion as Exhibit A. The plaintiffs make this motion in order to address potential ambiguities in the settlement terms and the notice procedure that have been identified by the parties and/or the settlement administrator in the course of preparing the class notices. The defendant consents to the granting of this motion.

First, while the intent of the parties is that the named plaintiffs are among those to whom payments will be made from the fund referred to as the Net Settlement Amount in section II(b)(iv) of the parties' Settlement and Agreement, this may not be clear in the agreement and order as they currently read, and the parties wish to make it clear.

Second, the settlement administrator has advised the parties that in sending email copies of the class notice, attaching the same documents that would otherwise be attached to physical copies of the notice may cause delivery problems. Accordingly, the parties ask that the court

permit the settlement administrator to deliver the “attachments” by way of a file transfer protocol delivered with the emails, and/or a link, embedded in the emails, to a website where the attachments are posted, as counsel deem expedient after consulting with the settlement administrator.

Third, in order to make the class notice more precise, now that the date of the court’s preliminary approval order is known, the parties propose changing portions of the previously-approved text of the notice that referred to the class period as “March 7, 2012 to the present” to instead read “March 7, 2012 to July 21, 2021.” This is reflected in the redlined proposed notice attached to this motion as Exhibit C.

Fourth, to reduce potential confusion for class members, the parties propose that rather than attaching to any particular class member’s notice the entire bundle of tracked changes against all of the versions of the consignment agreements that apply to various members of the class, only the tracked changes against that member’s applicable version of the consignment agreement will be attached. Also, if a class member is a former distributor rather than a current distributor, the parties propose that no tracked changes be attached at all. Proposed changes to the language of the class notice to facilitate this procedure are tracked in Exhibit C hereto.

For all of those reasons, the plaintiffs respectfully request that the court grant the attached proposed order.

DOUGLAS BRETT, TERRENCE FOX, STEVEN
PULFORD, and MARK RYAN, on behalf of
themselves and all others similarly situated,

/s/ Jonathan B. Orleans
Jonathan B. Orleans (ct05440)
Adam S. Mocciolo (ct27100)
Pullman & Comley, LLC
850 Main Street
PO Box 7006

Bridgeport, CT 06601
203-330-2000 phone
203-576-8888 fax
jborleans@pullcom.com
amocciolo@pullcom.com

Their Attorneys

CERTIFICATION

Pursuant to Practice Book § 10-14, I hereby certify that a copy of the above was mailed and/or electronically delivered on the date of filing to all counsel and pro se parties of record, as follows.

Paul C. Evans
Baker & McKenzie LLP
452 Fifth Avenue
New York, NY 10018
paul.evans@bakermckenzie.com

Michael C. D'Agostino
Benjamin K. Jacobs
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
michael.dagostino@morganlewis.com
benjamin.jacobos@morganlewis.com

/s/ Jonathan B. Orleans
Jonathan B. Orleans