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Docket Number:	UWY-CV-14-6023215-S
Case Name:	BRETT, DOUGLAS Et Al v. PEPPERIDGE FARM, INCORPORATED
Type of Transaction:	Pleading/Motion/Other document
Date Filed:	Jul-9-2021
Motion/Pleading by:	PULLMAN & COMLEY LLC (047892)
Document Filed:	154.00 MOTION FOR ORDER Revised Unopposed Motion for Preliminary Approval of Class Settlement Agreement
Date and Time of Transaction:	Friday, July 9, 2021 3:20:01 PM

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DOCKET NO. X10-UWY-CV-14-6023215-S	:	SUPERIOR COURT
	:	
DOUGLAS BRETT, TERRENCE FOX, STEVEN PULFORD, and MARK RYAN, on behalf of themselves and all others similarly situated,	:	J.D. OF WATERBURY
	:	
	:	COMPLEX LITIGATION DOCKET
Plaintiffs,	:	
	:	
vs.	:	JULY 9, 2021
	:	
PEPPERIDGE FARM, INC.,	:	
	:	
Defendant.	:	

**REVISED UNOPPOSED MOTION FOR PRELIMINARY
CERTIFICATION OF SETTLEMENT CLASS AND PRELIMINARY
APPROVAL OF CLASS SETTLEMENT AGREEMENT**

Pursuant to Practice Book Section 9-7 *et seq.*, the plaintiffs Douglas Brett, Terrence Fox, Steven Pulford, and Mark Ryan, on behalf of themselves and all others similarly situated, hereby move for preliminary approval of a settlement of this action on a class basis and certification of the class for this purpose, all as more specifically described in the attached memorandum of understanding setting out the parties' settlement agreement. Specifically, they move that an order be entered:

1. Preliminarily certifying a class, solely for purposes of the settlement proposed in this motion (the "Settlement"), and without prejudice to any other motion for class certification or opposition thereto in the event that the Settlement does not receive final approval. The certified class (the "Class") will be defined as:

All current and former distributors of Pepperidge Farm bakery products in Connecticut who are or have been classified as independent contractors by Pepperidge Farm, whether or not they are or have been explicitly called "SDAs,"

at any time between March 7, 2012 and the date of preliminary approval of the Settlement.

2. Preliminarily appointing Attorneys Jonathan B. Orleans and Adam S. Mocchiolo, of Pullman & Comley, LLC, as counsel for the Class.
3. Preliminarily appointing plaintiffs Douglas Brett, Terrence Fox, Steven Pulford, and Mark Ryan as representatives of the Class.
4. Preliminarily approving the Settlement set forth in the settlement agreement attached as Exhibit A hereto as fair, reasonable, and adequate, and in the best interests of the plaintiffs and of the Class.
5. Approving the proposed notice attached as Exhibit B hereto (the "Notice").
6. Directing that within 30 days of the issuance of the requested order, the Notice will be (i) physically mailed to the members of the class using addresses provided by the defendant, which will use reasonable efforts to provide accurate addresses; as well as (ii) emailed to the last known email address each of each Settlement Class Member for whom Pepperidge Farm has such information. Reasonable efforts will be made to locate members of the class whose original Notices are returned as undeliverable and to mail them second copies of the Notices.
7. Directing that within 30 days of the issuance of the requested order, counsel for the Class will file applications for the attorney's fees and class representative incentive payments sought pursuant to section 2(b)(i) and 2(b)(ii) of the Settlement.
8. Directing that any member of the Class may opt out of the class and be excluded therefrom by sending a notice, postmarked no later than 45 days after the mailing of the

Notice, to counsel for the Class through the settlement administrator at an address to be provided in the Notice, containing:

- a. the Class member's name;
- b. a statement that the Class member wishes to be excluded from the settlement; and
- c. the Class member's social security number or IRS employer identification number.

If the 45th day falls on a Sunday or holiday, the deadline to opt-out will be the next business day that is not a Sunday or holiday.

9. Directing that any member of the Class who has not opted out may file an objection to final approval of the Settlement and/or of class certification, appointment of class counsel and the class representatives, to the attorney's fees application, and/or to the incentive payment application, no later than 45 days after the mailing of the Notice. To be considered, an objection must include:

- a. the objector's full name and address and an appearance on behalf of any counsel representing the objector;
- b. a written statement of all grounds for the objection, including a description of any evidence supporting the objection;
- c. any supporting memorandum or brief;
- d. a list of any persons who will be called to testify in support of the objection; and
- e. a statement whether the objector intends to appear at the final approval hearing, and, if such appearance will be through counsel, the identity of such counsel;

and also must be served by mail, postmarked no later than 45 days after the mailing of the

Notice, upon the following counsel:

Jonathan B. Orleans
Adam S. Mocchiolo
Pullman & Comley, LLC
850 Main Street
Bridgeport, CT 06604

Paul C. Evans
Baker & McKenzie LLP
452 Fifth Avenue
New York, NY 10018

Michael C. D'Agostino
Benjamin K. Jacobs
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103.

Any member of the Class who does not file a timely objection complying with the above requirements will waive the right to appear and be heard at the final approval hearing,

and any right to object to the certification of the Class, the approval of the Settlement, and the fee and incentive payment applications, either before this court or on appeal.

10. Directing that the parties may file written responses to any objections, and/or briefs in further support of the Settlement, at or before the final approval hearing.

11. Directing that a hearing on final approval will be held on Wednesday, October 20, 2021, at a time of day to be determined, whether in an in-person or virtual format to be determined in accordance with the court's COVID-19 protocols in effect at the time.

A proposed form of the order requested herein is attached to this motion as Exhibit C.

A memorandum of law in support of the motion is being filed herewith.

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. Mocchiolo (ct27100)

Pullman & Comley, LLC

850 Main Street

PO Box 7006

Bridgeport, CT 06601

203-330-2000 phone

203-576-8888 fax

jborleans@pullcom.com

amocchiolo@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