



State of Connecticut Judicial Branch Superior Court E-Filing



Attorney/Firm: PULLMAN & COMLEY LLC (047892)

E-Mail: ajcohen@pullcom.com [Logout](#)

[Hide Instructions](#)

You have successfully e-filed!

Instructions: The information about the item you filed is on this confirmation page. You must print a copy of this page for your records. Choose **Print This Page** at the top of the page to print your copy.

Choose **E-File Another Pleading/Motion/Other on this Case** to go back to the **Select a Motion** page to choose another document name and file another document.

Choose **Return to Superior Court E-Filing Menu** to go back to the menu page.

Choose **Return to Case Detail** to look at the documents filed in this case or to file a reclaim in this case.

[Print This Page](#)

Confirmation of E-filed Transaction (print this page for your records)

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-21-2021
Motion/Pleading by:	PULLMAN & COMLEY LLC (047892)
Document Filed:	158.00 NOTICE Notice of filing of revised proposed order of preliminary approval
Date and Time of Transaction:	Tuesday, July 20, 2021 7:26:54 PM

[E-File Another Pleading/Motion/Other document on this Case](#)

[Return to Civil / Family Menu](#)

[Return to Case Detail](#)

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.	:	JULY 20, 2021
	:	
PEPPERIDGE FARM, INC.,	:	
	:	
Defendant.	:	

**NOTICE OF FILING OF
REVISED PROPOSED ORDER FOR PRELIMINARY APPROVAL**

In accordance with the court's instructions at the July 19, 2021 hearing on the plaintiffs' Revised Unopposed Motion for Preliminary Certification of Settlement Class and Preliminary Approval of Class Settlement Agreement (the "Motion," doc. 154.00), the plaintiffs hereby submit the attached updated proposed order for preliminary approval. As discussed at the hearing, this proposed order provides that in distributing emailed copies of the class notice to those class members for whom last-known email addresses are available, the settlement administrator will request read receipts from the addressees. The proposed order otherwise remains that same as that originally attached to the Motion, and the references in Exhibits A & B referred to in the proposed order remain references to Exhibits A and B to docket entry number 154.00, the Motion.

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
Adam S. Moccio
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 S. Orleans

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.	:	
	:	
PEPPERIDGE FARM, INC.,	:	
	:	
Defendant.	:	

[PROPOSED] ORDER FOR PRELIMINARY APPROVAL

The court, having received the plaintiffs’ Revised Unopposed Motion for Preliminary Certification of Settlement Class and Preliminary Approval of Class Settlement (the “Motion”), duly considered the Motion and associated briefing, and having heard the parties in a hearing on the Motion, hereby finds and orders as follows:

1. A class is hereby preliminarily certified, solely for purposes of the settlement proposed in the 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”) is 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. Attorneys Jonathan B. Orleans and Adam S. Mocciolo, of Pullman & Comley, LLC, are hereby preliminarily appointed counsel for the Class.
3. Plaintiffs Douglas Brett, Terrence Fox, Steven Pulford, and Mark Ryan are hereby preliminarily appointed representatives of the Class.
4. The Settlement set forth in the settlement agreement attached as Exhibit A to the Motion is preliminarily approved as fair, reasonable, and adequate, and in the best interests of the plaintiffs and of the Class.
5. The proposed notice attached as Exhibit B to the Motion (the “Notice”) is hereby approved.
6. Within 30 days of this order, the Notice will be (i) physically mailed to 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 of each Settlement Class Member for whom Pepperidge Farm has such information, with confirmation of delivery requested via the “read receipt” or like function of the email system used to send it. Reasonable efforts will be made to locate members of the class whose original physical Notices are returned as undeliverable and to mail them second copies of the Notices.
7. Within 30 days of this 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. 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. Any member of the Class who has not opted out may file an objection to the Settlement, the attorney's fees application, and/or 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. 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. A hearing on final certification of the settlement class and appointment of class counsel and the class representatives, and final approval of the Settlement will be held on Wednesday, October 20, 2021, at 2:00 pm, in an in-person or virtual format to be determined in accordance with the court's procedures in effect at the time.

SO ORDERED, this _____ day of _____, 20_____.

_____, J