

SUPREME COURT FOR THE STATE OF NEW YORK
COUNTY OF NEW YORK

BRUCE HACKNEY AND TIMOTHY
SMITH, on behalf of themselves and all others
similarly situated,

Index No.: 159652/2019

Plaintiffs,

-v-

AFFIRMATION

UDR 10 HANOVER LLC

Defendant.

ROGER A. SACHAR, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the truth of the following under the penalties of perjury and pursuant to CPLR 2106:

1. I am a partners of Newman Ferrara LLP, attorneys for Plaintiffs in the action, and proposed lead counsel for the putative class. I respectfully submit this Affirmation in support of Plaintiffs’ motion (the “Motion”) for preliminary approval of the settlement (the “Settlement”) in this Action.

The Settlement

2. Attached as Exhibit A is a stipulation of settlement (the “Stipulation”), executed by the parties on February 28, 2023. The Stipulation sets forth a comprehensive proposed settlement of the above action.

3. The Settlement provides for the complete resolution of this action, with appropriate releases, in consideration for **\$3,125,000.00** in cash and other consideration.

The Motion

4. By this Motion, Plaintiffs, with Defendant's consent, respectfully seek the Court's:
- (a) preliminary approval of the Settlement embodied in the Stipulation;
 - (b) preliminary approval of the proposed plan of allocation contained in the Notice (the "Notice") to class members, notifying the class members of the Settlement (attached as Exhibit B);
 - (c) certification of the plaintiff class, as described in the Stipulation of Settlement and the Notice, for settlement purposes;
 - (d) approval of the Notice; and
 - (e) approval of a notice to be placed in the *New York Post* (attached as Exhibit C).
5. All of the attached papers have been negotiated between and approved by the parties.

Preliminary Approval Order

6. The parties have also negotiated and agreed upon a proposed Preliminary Approval Order, attached as Exhibit D, providing for, among other things, the relief noted above.

7. Plaintiffs (with Defendant's consent) respectfully submit that the Court should enter the Preliminary Approval Order, and grant such further relief as the Court deems appropriate.

Executed this 19 day of April, 2023.



ROGER A. SACHAR