

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-

UDR 10 HANOVER LLC

Defendant.

NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

PLEASE TAKE NOTICE, that upon the annexed affirmation of Roger A. Sachar, dated April 19, 2023, and the exhibits annexed thereto; and upon all prior papers and proceedings hereto had herein, Plaintiffs Bruce Hackney and Timothy Smith will move this Court, in the Motion Submission Part Courtroom, Room 130, at the New York County Courthouse located at 60 Centre Street, New York, New York, at 9:30 a.m. on April 26, 2023, for an order:

- (a) preliminarily approving a settlement in this action (the “Settlement”) as set forth in the Stipulation attached to the Sachar Affirmation as Exhibit A;
- (b) preliminarily approving the proposed Plan of Allocation as set forth in the notice (the “Notice”) annexed to the Sachar Affirmation as Exhibit B;
- (c) certifying a class for settlement purposes;
- (d) approving the Notice;
- (e) approving the newspaper notice (the “Newspaper Notice”) to be placed in the *New York Post* and annexed to the Sachar Affirmation as Exhibit C;
- (f) scheduling a final fairness hearing with respect to the Settlement; and

(g) for such other relief as this Court deems appropriate.

Dated: April 19, 2023

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