

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANKIE LIPSETT, individually and
on behalf of all others similarly situated,

Plaintiff,

-against-

BANCO POPULAR NORTH AMERICA,
d/b/a POPULAR COMMUNITY BANK

Defendant.

Case No.: 1:22-cv-03901-MMG

**PLAINTIFF'S UNOPPOSED NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT,
PRELIMINARY CERTIFICATION OF SETTLEMENT CLASS, AND
APPROVAL OF NOTICE PLAN**

Plaintiff Frankie Lipsett (“Plaintiff”), on behalf of himself and all others similarly situated, hereby respectfully moves this Court for an order that:

1. Preliminarily certifies the settlement class for purpose of settlement;
2. Preliminarily approves the settlement agreement;
3. Appoints plaintiff Franke Lipsett as the class representative and his undersigned counsel as class counsel;
4. Approves the notice plan;
5. Appoints Epiq Class Action & Claims Solutions, Inc. as the settlement administrator and directs it to commence the notice plan; and
6. Schedules a fairness hearing to consider final approval of the settlement.

In support of this unopposed motion, Plaintiff relies on the attached memorandum of law, as well as the Declaration of Michael R. Reese, the Declaration of Cameron R. Azari of Epiq Class Action & Claims Solutions, Inc., and their supporting exhibits, and all documents filed therewith.

Dated: July 25, 2024

Respectfully submitted,

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/s/ Michael R. Reese

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