

1 **Milberg Phillips Grossman LLP**  
DAVID E. AZAR (SBN 218319)  
2 11766 Wilshire Boulevard, Suite 500  
Los Angeles, California 90025  
3 Telephone: (213) 617-1200  
4 dazar@milberg.com

5 **Tadler Law LLP**  
ARIANA J. TADLER (*pro hac vice*)  
6 HENRY J. KELSTON (*pro hac vice*)  
7 One Pennsylvania Plaza  
New York, New York 10119  
8 Telephone: (212) 946-9453  
atadler@tadlerlaw.com  
9 hkelston@tadlerlaw.com

10 **DiCello Levitt Gutzler LLC**  
11 ADAM J. LEVITT (*pro hac vice*)  
Ten North Dearborn Street, Eleventh Floor  
12 Chicago, Illinois 60602  
Telephone: (312) 214-7900  
13 alevitt@dicellolevitt.com

14 *Class Counsel*

15  
16 UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
17 WESTERN DIVISION

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| <p>18 IN RE CONAGRA FOODS, INC.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>Case No. CV 11-05379-CJC (AGR<sub>x</sub>)</p> <p>MDL No. 2291</p> <p><b><u>CLASS ACTION</u></b></p> <p><b>NOTICE OF MOTION AND MOTION<br/>FOR FINAL ORDER APPROVING<br/>CLASS ACTION SETTLEMENT</b></p> <p><b>DATE: October 7, 2019</b><br/><b>TIME: 1:30 p.m.</b><br/><b>CTRM.: 7C</b><br/><b>JUDGE: Hon. Cormac J. Carney</b></p> |
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1 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 7, 2019 at 1:30 p.m., in the Courtroom of the  
3 Honorable Cormac J. Carney, located at 350 W. 1<sup>st</sup> Street, Los Angeles, CA 90012, Plaintiffs Robert  
4 Briseño, Michele Andrade, Jill Crouch, Pauline Michael, Necla Musat, Maureen Towey, Julie Palmer,  
5 Cheri Shafstall, Dee Hooper-Kercheval, Kelly McFadden, Erika Heins, Rona Johnston, and Anita  
6 Willman, in their individual capacities and as Class Representatives (“Class Representatives”), will  
7 move the Court, pursuant to Federal Rule of Civil Procedure 23, for a Final Order Approving Class  
8 Action Settlement. The [Proposed] Final Order Approving Class Action Settlement, to which the  
9 Parties have agreed, was previously filed at Doc. 652-1 pp. 97-111.

10 The Parties respectfully request that the Court enter that Order after determining, among other  
11 things, the following:

12 (a) Whether the proposed settlement is fair, reasonable, and adequate to Class  
13 Members and should be approved by the Court;

14 (b) Whether the Classes satisfy the applicable prerequisites for class action  
15 treatment under Federal Rules of Civil Procedure 23(a) and 23(b)(3) for purposes of the proposed  
16 settlement;

17 (c) Whether the Court should enjoin Defendant according to the specific terms in  
18 the Settlement Agreement;

19 (d) Whether final judgment should be entered, dismissing the Action as to  
20 Defendant, on the merits and with prejudice, and to determine whether the release by Class Members  
21 of the Released Claims, as set forth in the Settlement Agreement, should be provided;

22 (e) Whether the Court should approve Class Counsel’s application for an award of  
23 attorneys’ fees, expenses, and costs;

24 (f) Whether the Court should approve any motion for service awards for the Class  
25 Representatives; and

26 (g) Such other matters as the Court may deem appropriate.

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1 This Motion is based on the accompanying two memoranda of points and authorities  
2 (including all exhibits thereto), the Joint Kelston/Levitt Declaration (including all exhibits thereto)  
3 the argument of counsel, all papers and records on file in this matter, and such other matters as the  
4 Court may consider.

5 This Motion is made following the conference of counsel held in compliance with Local Rule  
6 7-3.<sup>1</sup>

7 Respectfully submitted,

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9 Dated: July 23, 2019

/s/ David E. Azar  
David E. Azar (SBN 218319)  
dazar@milberg.com  
**MILBERG PHILLIPS GROSSMAN LLP**  
11766 Wilshire Boulevard, Suite 500  
Los Angeles, California 90025  
Telephone: (213) 617-1200

Ariana J. Tadler (*pro hac vice*)  
atadler@tadlerlaw.com  
Henry J. Kelston (*pro hac vice*)  
hkelston@tadlerlaw.com  
**TADLER LAW LLP**  
One Pennsylvania Plaza  
New York, New York 10119  
Telephone: (212) 946-9453

Adam J. Levitt (*pro hac vice*)  
alevitt@dicellolevitt.com  
**DiCELLO LEVITT GUTZLER LLC**  
Ten North Dearborn Street, Eleventh Floor  
Chicago, Illinois 60602  
Telephone: (312) 214-7900

***Class Counsel***

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28 <sup>1</sup> Despite their best efforts, as of the time of this filing, the parties were unable to complete their discussion concerning a small number of minor linguistic issues in the final approval and fee motions. That discussion continues. Should the parties resolve their aforementioned minor differences, Class Counsel will advise the Court of that fact.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that, on July 23, 2019, he caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of filing to registered counsel of record for each party.

Dated: July 23, 2019

/s/ David E. Azar  
David E. Azar (SBN 218319)