

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

CHRISTOPHER J. FIORENTINO,

Plaintiff,

v.

FLOSPORTS, INC.,

Defendant.

Case No. 1:22-CV-11502-AK

**PLAINTIFF’S NOTICE OF MOTIONS AND UNOPPOSED MOTIONS FOR  
(I) FINAL APPROVAL OF CLASS ACTION SETTLEMENT, AND  
(II) AWARD OF ATTORNEYS’ FEES, LITIGATION COSTS, AND SERVICE AWARD.**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23 (“Rule 23”), the Class Action Settlement Agreement (the “Settlement”) (Doc No. 60-1), and this Court’s Preliminary Approval Order (Doc No. 63), Plaintiff Christopher J. Fiorentino (“Plaintiff”) will and hereby does request that the Court (i) grant final approval of the Settlement of the above-referenced action (the “Action”), and (ii) award attorneys’ fees, litigation costs and a service award. More specifically, Plaintiff respectfully requests this Court enter an order: (i) granting final approval of the Settlement as fair, reasonable, and adequate; (ii) certifying the Settlement Class; (iii) finding that the notice program as set forth in Section IV of the Settlement Agreement and effectuated pursuant to the Preliminary Approval Order satisfies the requirements of Federal Rule of Civil Procedure 23(c) and due process and constitutes the best notice practicable under the circumstances; (iv) granting Class Counsel attorneys’ fees and costs in the aggregate amount of \$875,000, (v) granting Plaintiff a service award of \$2,000; and (vi) entering final judgment.

Defendant FloSports, Inc. does not oppose the Motion for Final Approval. These motions are based on the accompanying memoranda of points and authorities; the Settlement and exhibits thereto (Doc No. 60-1); the Joint Declaration of Rachel Geman and Hank Bates filed herewith; the Declaration of Cameron R. Azari filed herewith; the argument of counsel; all papers and records on file in this matter; and such other matters as the Court may consider.

Dated: December 6, 2023

Respectfully submitted,

/s/ Rachel Geman

Rachel J. Geman (rgeman@lchb.com)  
Douglas I. Cuthbertson  
(dcuthbertson@lchb.com)  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
Telephone: (212) 355-9500

Michael K. Sheen (msheen@lchb.com)  
Nicholas R. Hartmann  
(nhartmann@lchb.com)  
Nabila Abdallah (nabdallah@lchb.com)  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111  
Telephone: (415) 956-1000

Christopher J. Cormier  
(ccormier@burnscharest.com)  
BURNS CHAREST LLP  
4725 Wisconsin Avenue, NW  
Washington, DC 20016  
Telephone: (202) 577-3977

Hannah M. Crowe  
(hcrowe@burnscharest.com)  
BURNS CHAREST LLP  
900 Jackson Street, Suite 500  
Dallas, TX 75202  
Telephone: (469) 904-4550

/s/ Hank Bates

Hank Bates (hbates@cbplaw.com)  
Lee Lowther (llowther@cbplaw.com)  
Courtney E. Ross (cross@cbplaw.com)  
CARNEY BATES & PULLIAM, PLLC  
519 W. 7th Street  
Little Rock, AR 72201  
Telephone: (501) 312-8500

C. Andrew Dirksen (cdirksen@cerallp.com)  
CERA LLP  
800 Boylston Street, 16th Floor  
Boston, MA 02199  
Telephone: (857) 453-6555

Nicomedes Sy Herrera  
(nherrera@herrerakennedy.com)  
HERRERA KENNEDY LLP  
1300 Clay Street, Suite 600  
Oakland, CA 94612  
Telephone: (510) 422-4701

Shawn M. Kennedy  
(skennedy@herrerakennedy.com)  
HERRERA KENNEDY LLP  
4590 MacArthur Blvd., Suite 500  
Newport Beach, CA 92660  
Telephone: (949) 936-0900

*Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I, Hank Bates, hereby certify that this document was filed on December 6, 2023, via the ECF system, and was sent electronically on that date to the Parties' counsel of record.

By: /s/ Hank Bates  
Hank Bates