

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN RAY, BRIAN ESPOSITO, SAMUEL :

LADD, and JENNA MILLER, Individually :

and on Behalf of Others Similarly Situated, :

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Plaintiffs, :

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- against - :

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1650 BROADWAY ASSOCIATES INC. d/b/a:

Ellen’s Stardust Diner and Kenneth Sturm, :

Jointly and Severally, :

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Defendants. :

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16-CV-9858 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On June 21, 2022, I ordered Defendants to provide to Plaintiffs’ counsel and the Settlement Administrator the most current mailing address for the following class members: Jennifer Bergum, Zach Carter, Megan Dwinal, Jonathan Fleites, Preston Hammond, Daniel Hersh, Nathan Hilger, Brandy Massey, Gabrielle Saramango, Morgan Smith, Ryan Smith, David Socolar, Paul Williams, Jennifer Agate, Zach Carter, Christopher Mauro, Matt Patterson, Carly Kincannon, and Sabrina Surace (the “Nineteen Class Members”). (Doc. 193.) I also directed the Settlement Administrator to mail checks to the Nineteen Class Members with a void date 60 days from the date of mailing. (*Id.*) I directed Plaintiffs’ counsel to file a letter “no later than ninety days after the mailing of [the] checks” . . . “as to whether [the] checks were received and deposited by the Nineteen Class Members, along with information stating i) how many estimated total members of the class were eligible to receive payments under the settlement agreement; ii) how many class members did receive payments; iii) how much of the settlement fund remains;

iv) what steps, if any, could be taken to disburse those settlement funds to class members; and v) the propriety of making a *cy pres* distribution of any remaining settlement funds.” (*Id.*) Finally, I directed the Settlement Administrator to provide counsel for all parties with confirmation of distribution of the remaining settlement fund. (*Id.*)

On June 22, 2022, Defendants filed a letter stating that the addresses for the Nineteen Class Members would be in the possession of the management company and not the Defendants but indicated that they would attempt to obtain the addresses. (Doc. 194.) In addition, the Defendants questioned the \$7,500 administrator costs cited in Plaintiff’s application and how those funds would be paid. (*Id.*)

As of the date of this order, there have been no additional filings on the docket from any of the parties since June 22, 2022. Accordingly, it is hereby

ORDERED that the parties provide a joint status letter by October 24, 2022 indicating whether the funds were dispersed, and whether there are any outstanding issues that need to be resolved before closing the above-captioned action.

SO ORDERED.

Dated: October 18, 2022
New York, New York

A handwritten signature in black ink that reads "Vernon S. Broderick". The signature is written in a cursive style with a large initial "V".

Vernon S. Broderick
United States District Judge