

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

DON RUPPEL, individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

CONSUMERS UNION OF UNITED STATES, INC.,

Defendant.

Civil Action No. 16-cv-02444-KMK

**NOTICE OF MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES,  
AND INCENTIVE AWARD**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on November 30, 2018 at 11:00 a.m. before the Honorable Kenneth M. Karas, United States District Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, Plaintiff Don Ruppel, by and through Class Counsel, will move and hereby does move for an order (1) approving the payment of attorneys' fees, costs, and expenses in the amount of one-third of the settlement fund, (2) granting Mr. Ruppel an incentive award of \$7,500 in recognition of his efforts on behalf of the class, and (3) awarding such other and further relief as the Court deems reasonable and just.

**PLEASE TAKE FURTHER NOTICE** that, in support of the motion, Plaintiff will rely upon the accompanying memorandum of law in support, the Declaration of Don Ruppel, and the Declaration of Joseph I. Marchese, with annexed exhibits.

Dated: September 18, 2018

Respectfully submitted,

By: /s/ Joseph I. Marchese  
Joseph I. Marchese

**BURSOR & FISHER, P.A.**

Scott A. Bursor  
Joseph I. Marchese  
Philip L. Fraietta  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
Email: scott@bursor.com  
jmarshese@bursor.com  
pfraietta@bursor.com

Frederick J. Klorczyk III  
1990 North California Blvd., Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
Email: fklorczyk@bursor.com

*Class Counsel*