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Co-Lead Class Counsel

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FLO & EDDIE, INC., a California
corporation, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO INC., a Delaware
corporation; and DOES 1 through 10,

Defendants.

Case No. CV13-05693 PSG (GJSx)

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION CERTIFICATION AND
SETTLEMENT**

Date: May 8, 2017
Time: 1:30 p.m.
Place: Courtroom 6A

1 **TO DEFENDANT SIRIUS XM RADIO, INC. AND ITS ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on May 7, 2017 at 1:30 p.m., or as soon
4 thereafter or beforehand as it may be heard, in Courtroom 6A of the First Street
5 Federal Courthouse, located at 350 W. 1st Street, Los Angeles, CA, 90012, Plaintiff
6 Flo & Eddie, Inc. (“Flo & Eddie”), by and through Gradstein & Marzano, P.C. and
7 Susman Godfrey L.L.P., will, and hereby does, respectfully move this Court
8 pursuant to Federal Rule of Civil Procedure 23 for an order (i) granting final
9 approval of the Settlement; (ii) certifying the Settlement Class for the purpose of
10 effectuating the settlement; (iii) approving the form and method of notice of the
11 Settlement; and (iv) approving the plan of distribution as fair, reasonable, and
12 adequate.

13 This motion is based on this Notice of Motion and Motion for Final Approval
14 of Class Action Certification and Settlement, the accompanying memorandum of
15 points and authorities, the declaration of Michael Wallace filed herewith, the
16 Settlement Agreement (Dkt. 666-4), the pleadings and the papers on file in this
17 action, and such other matters as the Court may consider.

18 Dated: April 10, 2017

19 By: /s/ Rachel S. Black

20 GRADSTEIN & MARZANO, P.C.
21 Henry Gradstein
22 Maryann R. Marzano

23 SUSMAN GODFREY L.L.P.
24 Stephen E. Morrissey
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27 Rachel S. Black, *Admitted PHV*
28 Michael Gervais, *Admitted PHV*
Co-Lead Class Counsel