

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

MIKE SHAFER, DAVID KEATING, and
WILLIAM JEFFREY IGOE, Individually
and On Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

GLOBAL PAYMENTS INC., ACTIVE
NETWORK LLC, JEFF SLOAN,
CAMERON BREADY, PAUL TODD,
JOSH WHIPPLE, and ANDREA FACINI,

Defendants.

Case No. 1:23-CV-00577-LMM

CLASS ACTION

**CO-LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND PLAN OF ALLOCATION, AND FINAL
CERTIFICATION OF SETTLEMENT CLASS**

Co-Lead Plaintiffs Mike Shafer, David Keating and William Jeffrey Igoe (“Co-Lead Plaintiffs”), on behalf of themselves and the other members of the Settlement Class, respectfully submit this Motion for Final Approval of Class Action Settlement and Plan of Allocation, and Final Certification of Settlement Class (the “Motion”).¹

Pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(3), 23(e) and 23(g), Co-Lead Plaintiffs will and hereby do move the Court, before the Honorable Leigh Martin May, on December 11, 2024, at 10:00 a.m. in Courtroom 2107 of the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309, or remotely per details that will be made publicly available on the Settlement website, or at such other location and time as set by the Court, for: (1) entry of a Judgment (i) approving the proposed Settlement resolving all claims in the Action in exchange for the payment of \$3.6 million in cash for the benefit of the Settlement Class as fair, reasonable, and adequate, and (ii) certifying the Settlement Class for purposes of the Settlement, appointing Co-Lead Plaintiffs as class representatives, and appointing Pomerantz LLP and Lowey Dannenberg P.C., as class counsel; and (2) entry of an Order approving the proposed Plan of Allocation as fair, reasonable, and adequate.

¹ All capitalized terms not otherwise defined shall have the meanings given to them in the Stipulation and Agreement of Settlement, dated June 10, 2024 (the “Stipulation”; ECF No. 65-2).

This motion is based upon the Brief in Support of Co-Lead Plaintiffs' Motion for Final Approval of Class Action Settlement and Plan of Allocation, and Final Certification of Settlement Class, and the supporting Declaration of Jonathan D. Park, both filed concurrently herewith, all records and papers on file in this action, and any argument offered at a hearing on this Motion.

A proposed Judgment and Order granting the requested relief will be submitted with Co-Lead Plaintiff's reply papers on or before December 4, 2024, after the November 20, 2024 deadline for Settlement Class Members to object to the Settlement or request exclusion from the Settlement Class has passed.

Respectfully submitted this sixth day of November, 2024.

POMERANTZ LLP

s/ Jonathan D. Park

Jeremy A. Lieberman
(Admitted *Pro Hac Vice*)
Jonathan D. Park
(Admitted *Pro Hac Vice*)
600 Third Avenue, 20th Floor
New York, NY 10016
Telephone: (212) 661-1100
Facsimile: (212) 661-8665
jalieberman@pomlaw.com
jpark@pomlaw.com

*Counsel to Co-Lead Plaintiff William
Jeffrey Igoe and Co-Lead Counsel for
the Class*

EVANGELISTA WORLEY, LLC

James M. Evangelista
500 Sugar Mill Road, Suite 245A
Atlanta, GA 30350
Telephone: (404) 205-8400
jim@ewlawllc.com

Counsel to Co-Lead Plaintiff William Jeffrey Igoe and Liaison Counsel for the Class

LOWEY DANNENBERG, P.C.

Vincent Briganti
vbriganti@lowey.com
(Admitted *Pro Hac Vice*)
Andrea Farah
afarah@lowey.com
(Admitted *Pro Hac Vice*)
Alesandra Greco
agreco@lowey.com
(Admitted *Pro Hac Vice*)
44 South Broadway, Suite 1100
White Plains, New York 10601
Telephone: 914/997-0500

Counsel to Co-Lead Plaintiffs Mike Shafer and David Keating and Co-Lead Counsel for the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 6, 2024, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system, and a copy of the foregoing pleading has been electronically mailed to all attorneys of record.

/s/ Jonathan D. Park
JONATHAN D. PARK