

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

GEORGE CATALANO, on behalf of himself and all others similarly situated,

Plaintiff,

v.

BMW of NORTH AMERICA, LLC, a New Jersey limited liability company; and BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT, a corporation organized under the laws of the Federal Republic of Germany,

Defendants.

Case No. 1:15-cv-04889-KBF

**NOTICE OF PLAINTIFF’S UNOPPOSED MOTION FOR (1) PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT; (2) PROVISIONAL CERTIFICATION OF THE SETTLEMENT CLASS; (3) APPOINTMENT OF CLASS COUNSEL; (4) APPROVAL OF CLASS NOTICE, CLAIM FORM AND DISSEMINATION OF CLASS NOTICE; AND (5) SETTING A HEARING FOR FINAL APPROVAL**

PLEASE TAKE NOTICE THAT:

Plaintiff hereby moves this Court to: (1) preliminarily approve the proposed settlement memorialized in the Settlement Agreement and Release between Plaintiff and Defendants<sup>1</sup>; (2) provisionally certify the proposed settlement class under Federal Rule of Civil Procedure 23 for settlement purposes only; (3) appoint Plaintiff’s counsel as Class Counsel; (4) approve the proposed settlement class notice, claim form and dissemination of class notice<sup>2</sup>; and (5) set a hearing for final approval of the proposed settlement.

In support of this Motion, the parties rely on the pleadings and documents filed in this action, the Declaration of Amy E. Keller in Support of Plaintiff’s Unopposed Motion for

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<sup>1</sup> The Settlement Agreement and Release is attached as Exhibit 1 to the Declaration of Amy E. Keller in Support of Plaintiff’s Unopposed Motion for (1) Preliminary Approval of Class Action Settlement; (2) Provisional Certification of the Settlement Class; (3) Appointment of Class Counsel; (4) Approval of Class Notice, Claim Form and Dissemination of Class Notice; and (5) Setting a Hearing for Final Approval (“Motion for Preliminary Approval”).

<sup>2</sup> The proposed claim form and notice of class action settlement are attached as Exhibits A and B, respectively, to the Settlement Agreement and Release.

Preliminary Approval and Plaintiff's Memorandum of Law in support of this Motion, filed simultaneously herewith.

In addition to the accompanying pleadings and documents, Plaintiff will rely on the entire record in this action, such further pleadings and documents as may be filed, and oral argument as the Court may permit or require.

Dated: February 2, 2017

By: /s/ Amy E. Keller  
Amy E. Keller

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*Attorneys for Plaintiff and the Putative Class*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed using this Court's CM/ECF notification service, which sent notification of such filing to all counsel of record February 2, 2017.

/s/ Amy E. Keller  
Amy E. Keller