

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

QUANISHA SMITH and ANTHONY COLAVECCHIO,
individually and on behalf of all others similarly situated,

Plaintiffs,

- against -

KRISTIN M. PROUD, as Commissioner of the New York
State Office of Temporary and Disability Assistance, and
ROBERT DOAR, as Commissioner of the New York City
Human Resources Administration,

Defendants.

Index No. 400903/2010
Hon. Lucy Billings

~~PROPOSED~~ ORDER
FOR PRELIMINARY
APPROVAL OF
SETTLEMENT AND
NOTICE

motion by an

Upon consideration of Plaintiffs' Order to Show Case for Preliminary Approval of the Proposed Class Action Settlement and Notice dated December 3, 2018, the Memorandum of Law in Support of Plaintiffs' Motion for Entry of an Order Preliminarily Approving the Proposed Settlement and Approving the Proposed Class Notice, and the Affirmation of Lester Helfman in support thereof (the "Helfman Affirmation"), both dated November 28, 2018, and all accompanying exhibits, and upon consideration of the consent thereto of Defendants Samuel Roberts, as Commissioner of the New York State Office of Temporary and Disability Assistance ("OTDA"), and Steven Banks, as Commissioner of the New York City Human Resources Administration ("HRA"), it is hereby ORDERED that:

1. The settlement of this action on the terms set forth in the proposed Stipulation and Order of Settlement annexed to the Helfman Affirmation as Exhibit 1 is preliminarily approved, subject to a fairness hearing to be held on March 26, 2019, at 9:30 a.m./p.m. at 7:60

~~Thomas~~ Street, Room ~~204~~, New York, New York 10013.
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2. The notice of the proposed settlement of this action annexed to the Stipulation and Order of Settlement as Exhibit B (the “Fairness Notice”) is hereby approved.

3. No later than forty-five (45) days prior to the date of the fairness hearing set forth in paragraph 1 above, notice of the proposed settlement of this action shall be provided in substantially the manner set forth below:

a. Defendants will mail the Fairness Notice to the most current address recorded in their computer system for:

- 1) Class members who are found to be active as part of a household receiving public assistance on the date that the mailing is generated;
- 2) Class members who are not found to be active as part of a household receiving public assistance, but who are found to be active either for Medical Assistance (“MA”) or as a part of a household receiving Supplemental Nutritional Assistance Program (“SNAP”) benefits on the date that the mailing is generated; and
- 3) Class members who are not found to be active as part of a household receiving public assistance or SNAP benefits or active for MA, but who were active as part of a household receiving public assistance or SNAP benefits or active for MA at some point within the 90 days prior to the date on which the mailing is generated.

b. Plaintiffs will cause the Fairness Notice to be posted (i) on the website for The Legal Aid Society of New York, and (ii) in the waiting rooms or reception areas of each main borough office of the Civil Practice of The Legal Aid Society of New York, as well as The Legal Aid Society’s central office.

- c. OTDA will cause the Fairness Notice to be posted (i) on its website, and (ii) in the first floor reception area and in the waiting area near the car fare windows on each hearing floor at OTDA's Office of Administrative Hearings located at 14 Boerum Place, First Floor, Brooklyn, New York 11201.
- d. HRA will cause the Fairness Notice to be posted (i) on its website, and (ii) in the waiting rooms or main reception areas of NYC HRA's Family Independence Administration Job Centers.
4. Distribution of the Notice in substantially the manner and form set forth above complies with due process and Sections 901, 902, 904 and 908 of the CPLR.
5. Any member of the Class who objects to the proposed settlement must send a letter to the Court marked "Smith v. Proud, Index No. 400903/2010, Class Action Settlement," containing (a) the objecting individual's name, address, and telephone number; (b) a statement of his or her objections to the settlement; and (c) any documents or other evidence he or she ~~wishes~~ *requests* the Court to consider. The letter must be postmarked no later than March 6, 2019, and must be sent to:

Honorable Lucy Billings, Justice of the Supreme Court
Supreme Court of the State of New York, County of New York
71 Thomas Street - Room 2074
New York, NY 10013

SO ORDERED,

this 2nd day of December 2018.

Lucy Billings

Honorable Lucy Billings
Justice of the Supreme Court

LUCY BILLINGS
J.S.C.