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

MICHEL TOLIVER, JATNNA AQUINO, TABITHA DANIEL, NAKISHA RIEARA, & TARIN RIVERA, on their own and on behalf of all others similarly situated,

NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES & MOLLY WASOW, as Acting Commissioner of the New York City Department of Social Services & the CITY OF NEW YORK,

Respondents.

Index No. 450926/2023

IAS Part 11
Hon. Lyle E. Frank

ORDER CERTIFYING SETTLEMENT CLASS AND GRANTING FINAL APPROVAL OF SETTLEMENT

Upon consideration of Petitioners' Notice of Motion for Entry of an Order Preliminarily Approving the Proposed Settlement, Conditionally Certifying the Proposed Class, and Approving the Proposed Notice Program, the Memorandum of Law and Affirmation of Fara Tabatabai in support thereof, all dated March 5, 2024, and all accompanying exhibits (NYSCEF Nos. 40-45); Respondents' Notice of Motion for Entry of a Revised Order Preliminarily Approving the Proposed Settlement, Conditionally Certifying the Proposed Class, and Approving the Proposed Notice Program dated June 11, 2024, the Affirmation of Daniel R. Perez dated June 11, 2024, and all accompanying exhibits (NYSCEF Nos. 52-56); the Court's March 13, 2024 and June 20, 2024 Orders Preliminarily Approving the Proposed Settlement, Conditionally Certifying the Proposed Class, and Approving the Proposed Notice Program (NYSCEF Nos. 49, 58); the lack of any objection to the proposed settlement by any putative class member; and argument by the parties at a fairness hearing before the Court on December

18, 2024, it is hereby **ORDERED** that:

1. The proposed settlement class meets the requirements for class certification under CPLR § 901(a): (1) the number of claimants is so numerous that joinder of all class members is impracticable; (2) there are questions of law or fact common to the class that predominate over any questions affecting only individual members; (3) the claims of the named Petitioners are typical of the claims or defenses of the class; (4) the named Petitioners will fairly and adequately protect the interests of the class; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Accordingly, pursuant to CPLR §§ 901 and 902, the Court hereby certifies a settlement class consisting of all individuals residing in New York City who were or are eligible for a City Fighting Homelessness and Eviction Prevention Supplement ("CityFHEPS") or Family Homelessness and Eviction Prevention Supplement ("FHEPS") rental subsidy from April 15, 2020 through the "Stipulation Period," defined as 18 months from the date that this Order is filed with the Clerk of Court for the Supreme Court of the State of New York, New York County.

2. The settlement of this action on the terms set forth in the Stipulation and Order of Settlement attached hereto as Exhibit A (the "Settlement Stipulation") is hereby approved, except that the parties are in the process of determining the amount of attorneys' fees to be paid to Petitioners by the City of New York under paragraph 51 of the Settlement Stipulation. That the fee amount remains to be determined shall not in any way affect the enforceability of the remaining provisions of the Settlement Stipulation, which are otherwise approved and in full force and effect as of the date of entry of this Order.

3. In the event the parties reach agreement on the amount of attorneys' fees to be paid pursuant to paragraph 51 of the Settlement Stipulation, Petitioners will file a fee application

jointly with Respondents for the Court's approval. If the parties are unable to agree on a fee amount, Petitioners will file an application for their attorneys' fees, and Respondents will have an opportunity to contest the reasonableness of the fee amount proposed by Petitioners.

SO ORDERED,

this 23rd day of December 2024.

Honorable Lyle E. Frank
Justice of the Supreme Court

HON. LYLE E. FRANK
J.S.C.