

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**SHAREL MAWBY, on behalf of herself  
And all others similarly situated,**

**Plaintiff,**

v.

**MILO'S KITCHEN, LLC, et al.,**

**Defendants.**

**Case No. 1616-CV03384**

**Division 12**

**PLAINTIFF'S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to Missouri Rule of Civil Procedure 52.08(e), Plaintiff Sharel Mawby ("Plaintiff") hereby moves the Court for preliminary approval of the proposed settlement of this class action lawsuit. In support of this unopposed motion, Plaintiff states as follows:

Plaintiff and Defendants have reached an agreement to settle this class action lawsuit after years of litigation. The proposed settlement provides substantial benefits to Plaintiff and the settlement class in exchange for a release of claims against Defendants. The proposed settlement will fully and finally resolve the parties' litigation of this matter.

At this preliminary stage of class settlement approval, "[t]he trial court in effect has a 'gatekeeper' role in reviewing the proposed settlement before preliminarily approving it and sending out notice to the class." *State ex rel. Byrd v. Chadwick*, 956 S.W.2d 369, 382 (Mo. Ct. App. 1997). For the reasons set forth in her Suggestions in Support filed contemporaneously with this Unopposed Motion for Preliminary Approval, Plaintiff respectfully requests that the Court enter an Order:

1. Conditionally certifying a class for settlement purposes only, as defined herein;

2. Appointing Plaintiff Sharel Mawby as class representative;
3. Appointing the law firm of Shank & Moore, LLC as class counsel;
4. Determining preliminarily that the proposed settlement falls within the range of reasonableness meriting possible final approval following dissemination of class settlement notice and completion of the allotted time period for class members to file claims, make objections to, or exclude themselves from the proposed settlement;
5. Approving the form, substance, and requirements of the proposed claim form and class settlement notice, which are attached as Exhibits A and B, respectively, to the parties' Settlement Agreement;
6. Approving Atticus Administration, LLC as the settlement administrator for purposes of disseminating the class settlement notice and processing class members' claims;
7. Approving the proposed plan for disseminating notice of the settlement to class members, and directing that Atticus complete the notice campaign as directed in accordance with the approved notice plan;
8. Setting deadlines and procedures for people who fall within the class definition to exclude themselves or comment on the proposed settlement;
9. Setting a hearing to determine whether the proposed settlement should be granted final approval, and setting pre-hearing deadlines for the filing of papers necessary for final settlement approval and entry of final judgment;
10. Staying all proceedings in this action, other than those necessary to administer and evaluate the proposed settlement pursuant to Rule 52.08; and
11. Enjoining all Settlement Class Members, unless and until they have timely excluded themselves from the Settlement Class: (i) from filing, commencing, prosecuting, intervening in or participating as plaintiff, claimant, or class member in

any other lawsuit or administrative, regulatory, arbitration or other proceeding in any jurisdiction based on, arising out of, or concerning, any of the claims and causes of action or the facts and circumstances giving rise to the instant action and/or the Released Claims; (ii) from filing, commencing or prosecuting a lawsuit (other than the instant lawsuit) or administrative, regulatory, arbitration or other proceeding as a class action on behalf of any Settlement Class Members who have not timely excluded themselves (including by seeking to amend a pending complaint or petition to include class allegations or seeking class certification in a pending action), based on, arising out of, or concerning, any of the claims and causes of action or the facts and circumstances giving rise to the instant action and/or the Released Claims; and (iii) from attempting to solicit other Settlement Class Members from excluding themselves from this settlement.

WHEREFORE, Plaintiff respectfully requests that the Court grant her Unopposed Motion for Preliminary Approval of Class Action Settlement, including all requested relief with respect to the proposed settlement and any other relief the Court deems just and proper. A proposed order is submitted for the Court's consideration, attached as Exhibit A.

Respectfully submitted,

SHANK & MOORE, LLC

By: /s/ Stephen J. Moore

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*Attorneys for Plaintiff Sharel Mawby*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on this 15th day of February, 2019, a true and accurate copy of the foregoing document was served via the Court's eFiling system to the following counsel of record:

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