

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LESLIE HEDGES, individually and on behalf )	)	
of all others similarly situated, )	)	Case No. 14-CV-9858
	)	
Plaintiff, )	)	Hon. Harry D. Leinenweber
	)	
v. )	)	Hon. Susan E. Cox
	)	
EARTH INC., a Massachusetts corporation, )	)	
	)	
Defendant. )	)	

**UNOPPOSED MOTION TO MODIFY  
DEADLINES IN THE PRELIMINARY APPROVAL ORDER**

Plaintiff Leslie Hedges (“Plaintiff”), by and through her undersigned attorneys, on behalf of herself and the Settlement Class, hereby moves to modify certain deadlines set forth in this Court’s October 14, 2015, Preliminary Approval Order (Dkt. No. 43.). In support of this motion (the “Motion”), Plaintiff states:

1. On October 14, 2015, this Court granted preliminary approval of the class action Settlement in this case. (Dkt. No. 43.)
  
2. In this Court’s Preliminary Approval Order, the Court directed notice to be provided to the Settlement Class by January 12, 2016, as follows: (a) direct notice to those Settlement Class Members whose information is voluntarily provided by the distributors, retailers, and resellers of Defendant Earth, Inc. (“Earth”); and (b) publication notice. (*Id.* ¶¶9, 10.)
  
3. On December 17, 2015, Kurtzman Carson Consultants, LLC (“KCC”), who is the Settlement Administrator appointed by this Court (*id.* ¶7), informed Class Counsel that Earth’s distributors, retailers, and resellers have not yet provided any information to KCC regarding the Settlement Class Members.

4. In addition, KCC informed Class Counsel that the third party vendors Class Counsel intended to use for publication notice could no longer issue publication notice by the current deadline of January 12, 2016 (the “Notice Date”). (*See id.* ¶9.) The third-party vendors stated that more time was needed to include the publication notice approved by this Court in their media materials.

5. Despite Class Counsel’s best efforts, an agreement could not be reached with the third party vendors on providing publication notice by the Notice Date.

6. Nevertheless, Class Counsel was able to reach an agreement with KCC that publication notice could be issued by March 20, 2016, subject to approval by this Court.

7. Accordingly, Plaintiff seeks to modify the deadlines in the Preliminary Approval Order to allow publication notice to be provided to the Settlement Class and to provide the Settlement Class with sufficient time to submit claims, requests for exclusion from the settlement, and objections to the Settlement.

8. Before filing this Motion, Plaintiff conferred with Earth regarding the relief requested herein. Earth does not oppose this Motion.

WHEREFORE, Plaintiff, on behalf of herself and the Settlement Class, respectfully requests this Court to enter an Order:

- A. Resetting the Notice Date to March 20, 2016;
- B. Resetting the deadline for Settlement Class Members to submit claim forms, requests for exclusions, and objections to May 19, 2016, which is sixty (60) days after the new Notice Date;
- C. Resetting the deadline for the application of an award of attorneys’ fees, expenses, and Plaintiff’s incentive award to May 5, 2016, which is fourteen (14) days before the new deadline for Settlement Class Members to submit requests for exclusion and objections;
- D. Resetting the deadline for KCC to provide the Exclusion List to Class Counsel and Defendant’s Counsel to May 5, 2016, which is fourteen (14) days after the new deadline for Settlement Class Members to submit requests for exclusion;

- E. Resetting the Final Approval Hearing to June 20, 2016, or another date convenient for the Court;
- F. Resetting the deadline for Plaintiff's papers in support of final approval of the Settlement to seven (7) days before the new date of the Final Approval Hearing;
- G. Resetting the deadline for KCC to provide the Court with an affidavit attesting to the completion of notice to the Settlement Class and the accuracy of the Exclusion List to seven (7) days before the new date of the Final Approval Hearing; and
- H. Resetting the deadline for Earth to file proof of compliance with the Class Action Fairness Act, 28 U.S.C. §1715(b), to seven (7) days before the new date of the Final Approval Hearing.

Dated: December 22, 2015

Respectfully submitted,

By: s/ Joseph J. Siprut

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***Counsel For Plaintiff  
And The Settlement Class***

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing **Unopposed Motion To Modify Deadlines In The Preliminary Approval Order** was filed this 22nd day of December 2015 via the electronic filing system of the Northern District of Illinois, which will automatically serve all counsel of record.

*s/ Joseph J. Siprut*  
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