

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

MELISSA FERRICK, et. al.,

Plaintiffs,

vs.

SPOTIFY USA INC, et. al.

Defendant.

Case No. 1:16-cv-08412 (AJN)

**NOTICE OF UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
SETTLEMENT**

**PLEASE TAKE NOTICE** that Plaintiffs, by their undersigned counsel, respectfully move this Court at the United States Courthouse, 40 Foley Square, New York, New York, before the Honorable Alison J. Nathan, United States District Judge, on such day and at such time designated by the Court, for an Order pursuant to Fed. R. Civ. P. 23(e) granting the following relief:

1. preliminarily approving the proposed Settlement set forth in the Settlement Agreement between the Class Plaintiffs,<sup>1</sup> on behalf of themselves and the Settlement Class, on the one hand, and defendant Spotify USA Inc., on the other hand, dated May 26, 2017 (the “Settlement Agreement”), as within the range of fairness, reasonableness, and adequacy;
2. certifying the Settlement Class and appointing Plaintiffs as Class Representatives and Susman Godfrey L.L.P. and Gradstein & Marzano P.C. as Class Counsel for Settlement purposes;
3. approving the proposed form and manner of notice to the Settlement Class; and

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<sup>1</sup> All capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Settlement Agreement (hereinafter defined).

4. scheduling a date and time for a hearing to consider final approval of the Settlement and related matters.

The Motion is based on this notice, the memorandum of law in support of the motion filed concurrently herewith, the supporting declarations and exhibits, the files and records in this action, and any further evidence or argument that this Court may receive at or before the hearing.

Dated: May 26, 2017

Respectfully submitted,

By: /s/ Steven G. Sklaver

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2017 I caused the foregoing NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Southern District of New York, on all parties registered for CM/ECF in the above-captioned matters.

Dated: May 26, 2017

By: /s/ Steven G. Sklaver