

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

FRANKIE LIPSETT, individually and
on behalf of all others similarly situated,

Plaintiff,

-against-

BANCO POPULAR NORTH AMERICA,
d/b/a POPULAR COMMUNITY BANK

Defendant.

Case No.: 1:22-cv-03901-MMG

**PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT;
FINAL CERTIFICATION OF SETTLEMENT CLASS;
PAYMENT OF ATTORNEY FEES AND REIMBURSEMENT OF COSTS TO CLASS COUNSEL;
AND, PAYMENT OF SERVICE AWARD TO THE CLASS REPRESENTATIVE**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23 (“Rule 23”), Local Civil Rule 23.1, the Class Action Settlement Agreement (the “Settlement”) (ECF No. 49), and this Court’s Preliminary Approval Order (ECF No. 53), Plaintiff Frankie Lipsett (“Plaintiff”) and Class Counsel will move before the Honorable Margaret M. Garnett at 9:30 a.m. on January 7, 2025 in Courtroom 906 at the United States District Court for the Southern District of New York located at 40 Foley Square in New York, New York for an order from this Court granting: (a) final approval of the class action settlement; (b) final certification of the settlement class; (c) payment of one-third of the settlement fund (or \$500,000) in attorney fees and reimbursement of \$7,505.39 in costs and expenses to Class Counsel; and (d) payment of a \$10,000 service award to the Class Representative.

Pursuant to Local Rule 23.1, Class Counsel hereby give notice that they have a fee-sharing agreement such that the attorney fees granted by the Court are to be split such that Reese LLP receives 50% of the attorney fees and KalieGold PLLC receives the other 50% of the attorney fees. The addresses for Reese LLP and KalieGold PLLC are listed below in the signature block.

This motion is based on the accompanying memoranda of points and authorities; the Settlement and exhibits thereto (ECF No. 49); the Joint Declaration of Class Counsel filed herewith; the Declaration of Cameron R. Azari of Epiq Class Action & Claims Solutions, Inc. Regarding Implementation and Adequacy of Notice Plan dated November 25, 2024 filed herewith; the argument of counsel; all papers and records on file in this matter; and such other matters as the Court may consider.

Dated: November 25, 2024

Respectfully submitted,

REESE LLP

/s/ Michael R. Reese

Michael R. Reese

mreese@reesellp.com

100 West 93rd Street, 16th Floor

New York, New York 10025

Telephone: (212) 643-0500

KALIELGOLD PLLC

Jeffrey Kaliel

jkaliel@kaliellpc.com

1100 15th Street NW, 4th Floor

Washington, D.C. 20005

(202) 350-4783

Court-Appointed Class Counsel