

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL KERNEN, on behalf of)
himself and all others similarly situated,)

Plaintiff,)

v.)

Case No. CIV-18-00107-JD

CASILLAS OPERATING, LLC,)

Defendant.)

**PLAINTIFF’S MOTION TO CERTIFY THE SETTLEMENT CLASS FOR
SETTLEMENT PURPOSES, PRELIMINARILY APPROVE CLASS ACTION
SETTLEMENT, APPROVE FORM AND MANNER OF NOTICE,
AND SET DATE FOR FINAL APPROVAL HEARING**

Plaintiff, Michael Kernen (“Plaintiff”), individually and on behalf of all others similarly situated, respectfully files this Motion to Certify the Settlement Class for Settlement Purposes, Preliminarily Approve Class Action Settlement, Approve Form and Manner of Notice and Set Date for Final Approval Hearing (the “Motion”), and hereby moves the Court for entry of an Order:

1. Certifying the Settlement Class for settlement purposes;¹
2. Preliminarily approving the settlement of the above-captioned action against Defendant Casillas Operating, LLC (“Defendant”);

¹ Capitalized terms not otherwise defined herein shall have the meaning given to them in the January 11, 2021 Stipulation and Agreement of Settlement (“Settlement Agreement”), which is attached as Exhibit 1 to the Memorandum of Law in Support of this Motion, which is filed concurrently herewith.

3. Appointing Plaintiff as Class Representative of the Settlement Class;
4. Appointing Barnes & Lewis, LLP, Nix Patterson, LLP, and Ryan Whaley Coldiron Jantzen Peters & Webber, PLLC, as Class Counsel; and Plaintiff's Counsel Whitten Burrage as liaison local counsel for the Settlement Class;
5. Approving the form and manner of providing notice of the Settlement to the Settlement Class;
6. Appointing a Settlement Administrator; and
7. Setting a hearing date for approval of the Settlement and application for an award of Attorneys' Fees, Litigation Expenses, and Case Contribution Award to Plaintiff.

Plaintiff bases this Motion on the applicable law and all records and documents on file, including the Memorandum of Law in Support of this Motion, which is being filed concurrently herewith and is incorporated by reference as if set forth fully herein.

Accordingly, Plaintiff respectfully requests that this Court enter an Order granting the relief listed above, and any such further relief to which the Court finds the Settlement Class entitled. A proposed Order is submitted concurrently herewith.

Respectfully submitted,

s/Robert N. Barnes

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send email notification of such filing to all registered parties.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Robert N. Barnes
Robert N. Barnes