

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

GABBY KLEIN, et al., Individually and on)	Civil Action No. 3:20-cv-00075-DJN
Behalf of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiffs,)	
)	
vs.)	
)	
ALTRIA GROUP, et al.,)	
)	
Defendants.)	
)	
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**LEAD PLAINTIFFS’ UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND APPROVAL OF NOTICE TO THE
SETTLEMENT CLASS**

Lead Plaintiffs Donald and Sarah Sherbondy and Construction Laborers Pension Trust of Greater St. Louis (“Plaintiffs”), on behalf of themselves and all members of the Settlement Class, by and through their undersigned counsel of record, respectfully move this Court for entry of an Order preliminarily approving the proposed Settlement of this Action.

Lead Plaintiffs seek an order:

- (1) granting preliminary approval of the proposed Settlement of \$90 million in cash, which, if granted final approval, would resolve this Action in its entirety;
- (2) granting approval of the form, content and manner of the class notices to Settlement Class Members;
- (3) certifying the Settlement Class for purposes of the Settlement; and

(4) scheduling a hearing, and certain deadlines related thereto, on final approval of the Settlement, proposed Plan of Allocation, and Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses.

The specific terms of the proposed Settlement are set forth in the Stipulation and Agreement of Settlement (the "Stipulation"), attached as Exhibit 1 to the accompanying Declaration of Jeremy A. Lieberman.

Lead Plaintiffs believe this Motion is unopposed. For the Court's convenience, the Parties' agreed-upon form of proposed Preliminary Approval Order (and accompanying exhibits) is submitted herewith as Exhibit A to the Stipulation. Because the Motion is unopposed, and because, pursuant to Fed. R. Civ. P. 23(e) a hearing for consideration of final approval of the Settlement must later be held after notice of the Settlement is given to the Settlement Class, Lead Plaintiffs respectfully request that the Motion be expeditiously submitted without oral argument. Defendants do not object to having the instant Motion submitted without oral argument.

DATED: December 9, 2021

By: /s/ Steven J. Toll

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*Lead Counsel for Lead Plaintiff Laborers Pension
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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2021 I caused the foregoing to be electronically filed with the Clerk of Court via CM/ECF, which will send a notice of electronic filing to all registered users.

By: /s/ Steven J. Toll

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