

**IN THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT  
WHITESIDE COUNTY, ILLINOIS**

TYLER KIDD, <i>individually and on behalf</i>	)	
<i>of all others similarly situated,</i>	)	
Plaintiff,	)	Case No. 2023LA44
	)	
vs.	)	
	)	
LIFESCAN LABS OF ILLINOIS, LLC,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Tyler Kidd (“Plaintiff”), individually and on behalf of all others similarly situated, hereby moves this Court to:

1. Preliminarily approve the Settlement<sup>1</sup> described in the Settlement Agreement and Release (“Settlement Agreement”) between Plaintiff and Defendant Lifescan Labs of Illinois, LLC (“Lifescan” or “Defendant” and together with Plaintiff, the “Parties”), attached to Plaintiff’s Memorandum of Law in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement (“Memorandum”) as **Exhibit 1**, and the attachments thereto, including the Long and Short Form Notices, Claim Form, and the [Proposed] Order Granting Preliminary Approval, attached thereto as **Exhibits A-D**, respectively, as fair, adequate, reasonable, and within the range of possible approval.

2. Approve the Parties’ proposed Notice program;

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<sup>1</sup> Unless otherwise indicated, the defined terms herein shall have the same definitions as set forth in the Settlement Agreement.

3. Confirm that the Notice in the form substantially the same as that attached as **Exhibits B, C-1, and C-2** to the Settlement Agreement, is appropriate and satisfies due process and 735 ILCS 5/2-803;
4. Direct Notice to be sent to the Settlement Class Members in the form and manner proposed as set forth in the Settlement Agreement;
5. Appoint Kroll Settlement Administration, LLC as Claims Administrator;
6. Provisionally appoint Plaintiff Tyler Kidd as Class Representative;
7. Provisionally appoint Milberg Coleman Bryson Phillips Grossman, PLLC and Fish, Potter, Bolanos, P.C. as Class Counsel;
8. Provisionally certify the Class under 735 ILCS 5/2-801 for settlement purposes only;
9. Set a hearing date for consideration of Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Enhancement Award and a Final Fairness Hearing as set forth in the Settlement Agreement; and

This Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion") is based upon: (1) this Motion; (2) the Memorandum; (3) the Declaration of Gary M. Klinger, attached to the Memorandum as **Exhibit 2**; (4) the Settlement Agreement and the exhibits attached thereto; (5) the [Proposed] Order Granting Preliminary Approval, attached to the Settlement Agreement as **Exhibit D** and submitted concurrently herewith; (8) the records, pleadings, and papers filed in this Litigation; and (9) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: December 27, 2023

Respectfully submitted,

*/s/ Gary M. Klinger* \_\_\_\_\_

Gary M. Klinger

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*Attorneys for Plaintiff and the Putative Class*