

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

CODY KENNEY and MELISSA SKINNER,
individually and on behalf of all similarly
situated persons,

Plaintiffs,

v.

CENTERSTONE OF AMERICA, INC.,
CENTERSTONE OF INDIANA, INC., and
CENTERSTONE OF TENNESSEE, INC.,

Defendants.

Case No. 3:20-cv-01007

JUDGE ELI J. RICHARDSON

MAGISTRATE JUDGE
BARBARA D. HOLMES

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Cody Kenney and Melissa Skinner, individually and behalf of others similarly situated (“Plaintiffs”), hereby move this Court to:

1. Preliminarily approve the Settlement described in the “Settlement Agreement” between Plaintiffs and Defendants Centerstone of America, Inc., Centerstone of Indiana, Inc., and Centerstone of Tennessee, Inc. (“Centerstone”), and the attachments thereto, including the Short Form Notice, Email Notice, Long Form Notice, Claim Form, Proposed Preliminary Approval Order, and Proposed Final Approval Order, attached to the Declaration of David K. Lietz, attached in support of this Motion;

2. Conditionally certify the Settlement Class;

3. Appoint Plaintiffs Cody Kenney and Melissa Skinner as Class Representatives;

4. Appoint David K. Lietz and Gary M. Klinger of Mason Lietz & Klinger LLP as Class Counsel;

5. Approve a customary Short Form Notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as Exhibit A to the Settlement Agreement;

6. Approve a customary Short Form Notice to be emailed to Settlement Class Members (the “Email Notice”) in a form substantially similar to that attached as Exhibit B to the Settlement Agreement;

7. Approve a customary Long Form Notice (“Long Notice”) to be posted on the Settlement Website in a form substantially similar to the one attached as Exhibit C to the Settlement Agreement;

8. Direct Notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and Exhibits A, B, and C thereto;

9. Appoint KCC to serve as Notice Specialist and Claims Administrator;

10. Approve the use of a Claim Form substantially similar to that attached as Exhibit D to the Settlement Agreement;

11. Set a hearing date and schedule for Final Approval of the Settlement and consideration of Settlement Class Counsel’s Motion for Award of Fees, Costs, Expenses, and Service Awards;

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of the Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of David K. Lietz filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (Short Form, Email, and Long Form); (6) the Claim Form; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (8) the [Proposed] Final Approval Order; (11) the records, pleadings, and papers filed in this action; and (12) 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: April 30, 2021

Respectfully submitted,

By: David K. Lietz

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*Proposed Class Counsel for Plaintiffs and
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*Additional Counsel for Plaintiffs and the
Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April 2021, I caused a true and correct copy of the foregoing Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, as well as the accompanying Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Declaration of David K. Lietz in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, and attached Exhibits filed herewith to be filed with the Clerk of this Court using the Court's CM/ECF system, which will automatically send an electronic copy of such filing to all counsel of record including the following:

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