

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

----- X  
NICHOLAS LOMBARDI, COLIN BISSON, JAIMIE :  
LANDRETH, KENDALL MICONE, JESSICA SHARP, and :  
ALEXANDER SKREEN, on behalf of themselves and all :  
others similarly situated, :

**Index No. 521461/2021**

**STIPULATION**

Plaintiffs, :

- against - :

SHOPKEEP, INC., :

Defendant. X  
-----

WHEREAS, Plaintiffs filed a complaint in the above-captioned action on August 20, 2021;

WHEREAS, Plaintiffs filed an unopposed motion for preliminary approval of the settlement of the above-captioned action on August 20, 2021;

WHEREAS, Plaintiffs will seek final approval of the settlement on such date and in such manner as the Court may set; and

WHEREAS, Defendant does not intend to contest this action while Plaintiffs' motions for preliminary and final approval of the settlement of the action are being considered by the Court;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, that:

1. Defendant's counsel, Jackson Lewis, P.C., has confirmed that they are authorized to accept service of the summons and complaint on behalf of Defendant ShopKeep, Inc.;
2. Defendant's counsel has agreed to accept service of the summons and complaint by electronic mail at Adam.Gross@jacksonlewis.com as of August 20, 2021;

3. Defendant has waived any affirmative defenses with respect to service of the summons and complaint; and

4. Defendant's time to answer or otherwise respond to the complaint is extended through November 20, 2021.

Dated: August 24, 2021.

**OUTTEN & GOLDEN LLP**

**JACKSON LEWIS, P.C.**

By: /s/ Melissa L. Stewart  
Melissa L. Stewart

By: /s/ Adam S. Gross  
Adam S. Gross

685 Third Avenue, 25th Floor  
New York, NY 10017  
(212) 245-1000  
[Mstewart@outtengolden.com](mailto:Mstewart@outtengolden.com)

666 Third Avenue, 29<sup>th</sup> Floor  
New York, NY 10017  
(212) 545-4045  
[Adam.Gross@jacksonlewis.com](mailto:Adam.Gross@jacksonlewis.com)

*So Ordered*  
*CW*  
*10/20/21*

HON. CAROLYN E. WADE  
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X

NICHOLAS LOMBARDI, COLIN BISSON, JAIMIE	:	HON. CAROLYN E. WADE
LANDRETH, KENDALL MICONE, JESSICA SHARP, and	:	JUSTICE OF THE SUPREME COURT
ALEXANDER SKREEN, on behalf of themselves and all	:	
others similarly situated,	:	Index No. 521461/2021
Plaintiffs,	:	<del>REDACTED</del> ORDER
	:	
- against -	:	
	:	
SHOPKEEP, INC.,	:	
Defendant,	:	

-----X

The above-entitled matter came before the Court on Plaintiffs' Unopposed Motion for Preliminary Settlement Approval.

1. The Court grants preliminary approval of the settlement memorialized in the parties' Settlement Agreement, finds that the prerequisites of CPLR §§ 901 and 902 are satisfied, and provisionally certifies the Class defined in Plaintiffs' Unopposed Motion for Preliminary Settlement Approval, for settlement purposes.

2. The Court adopts the settlement procedure set forth in the Settlement Agreement, appoints Outten & Golden LLP as Class Counsel, approves the proposed Notice and directs its distribution pursuant to CPLR § 908, and approves ILYM as the Claims Administrator.

3. The Final Approval Hearing will be held on 4/13/2022 <sup>at 3pm</sup> <sub>[at least</sub>  
*111 days after the Preliminary Approval Order is entered]* via Microsoft Teams

It is so ORDERED this 20<sup>th</sup> day of October, 2021.

Hon. 

HON. CAROLYN E. WADE  
JUSTICE OF THE SUPREME COURT